

Volume 38, Number 18
Pages 1453–1508
September 16, 2013

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2012 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

MANAGING EDITOR

CURTIS W. TREAT

EDITOR

ABBEY RIMEL

ASSOCIATE EDITOR

DELANE JACQUIN

ASSISTANT EDITOR

AMANDA MCKAY

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2012. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.

MISSOURI REGISTER



September 16, 2013

Vol. 38 No. 18 Pages 1453–1508

IN THIS ISSUE:

EXECUTIVE ORDERS 1457

PROPOSED RULES

Department of Economic Development

 Public Service Commission 1461

Department of Public Safety

 Office of the Director 1486

Elected Officials

 Secretary of State 1486

Department of Insurance, Financial Institutions and

Professional Registration

 Missouri Board for Architects, Professional Engineers,
 Professional Land Surveyors, and Landscape

 Architects 1487

ORDERS OF RULEMAKING

Department of Conservation

 Conservation Commission 1489

IN ADDITIONS

Department of Transportation

 Missouri Highways and Transportation Commission 1490

CONTRACTOR DEBARMENT LIST 1492

DISSOLUTIONS 1493

SOURCE GUIDES

RULE CHANGES SINCE UPDATE 1495

EMERGENCY RULES IN EFFECT 1499

EXECUTIVE ORDERS 1500

REGISTER INDEX 1502

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
May 1, 2013 May 15, 2013	June 3, 2013 June 17, 2013	June 30, 2013 June 30, 2013	July 30, 2013 July 30, 2013
June 3, 2013 June 17, 2013	July 1, 2013 July 15, 2013	July 31, 2013 July 31, 2013	August 30, 2013 August 30, 2013
July 1, 2013 July 15, 2013	August 1, 2013 August 15, 2013	August 31, 2013 August 31, 2013	September 30, 2013 September 30, 2013
August 1, 2013 August 15, 2013	September 3, 2013 September 16, 2013	September 30, 2013 September 30, 2013	October 30, 2013 October 30, 2013
September 3, 2013 September 16, 2013	October 1, 2013 October 15, 2013	October 31, 2013 October 31, 2013	November 30, 2013 November 30, 2013
October 1, 2013 October 15, 2013	November 1, 2013 November 15, 2013	November 30, 2013 November 30, 2013	December 30, 2013 December 30, 2013
November 1, 2013 November 15, 2013	December 2, 2013 December 16, 2013	December 31, 2013 December 31, 2013	January 30, 2014 January 30, 2014
December 2, 2013 December 16, 2013	January 2, 2014 January 15, 2014	January 29, 2014 January 29, 2014	February 28, 2014 February 28, 2014
January 2, 2014 January 15, 2014	February 3, 2014 February 18, 2014	February 28, 2014 February 28, 2014	March 30, 2014 March 30, 2014
February 3, 2014 February 18, 2014	March 3, 2014 March 17, 2014	March 31, 2014 March 31, 2014	April 30, 2014 April 30, 2014

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2012), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 1997 E. Jackson Blvd. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2012.

EXECUTIVE ORDER 13-11

WHEREAS, I have been advised that on-going and forecast severe storm systems have caused, or have the potential to cause, damage associated with heavy rain, flooding and flash flooding impacting communities throughout the State of Missouri; and

WHEREAS, the severe weather that began on August 2, 2013, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

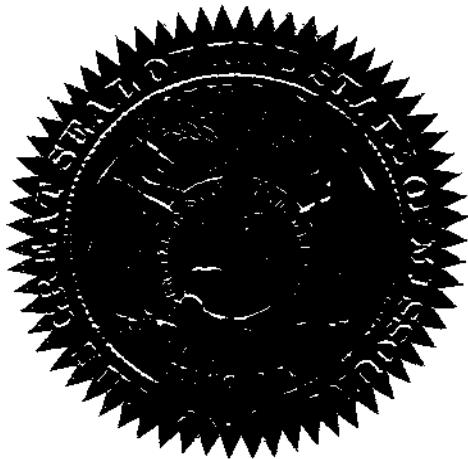
WHEREAS, the resources of the State of Missouri are needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on September 6, 2013, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of August, 2013.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Jason Kander
Secretary of State

**EXECUTIVE ORDER
13-12**

WHEREAS, I have been advised by the State Emergency Management Agency that severe storm systems have caused damages associated with heavy rains, flooding and flash flooding in communities across the State of Missouri; and

WHEREAS, there has been loss of life, interruption of public services, infrastructure damages and damages to private property, as a result of the severe weather that began on August 2, 2013; and

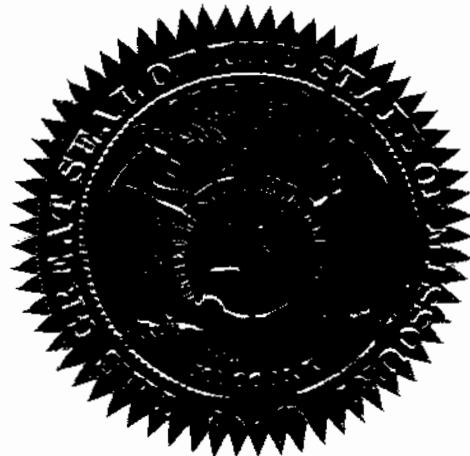
WHEREAS, the severe weather that began on August 2, 2013, has created conditions of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the resources of the State of Missouri are needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, I issued Executive Order 13-11 declaring a State of Emergency for the protection of the safety and welfare of the citizens of the State of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized by the Governor of this State.

This order shall terminate on September 6, 2013, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of August, 2013.

A handwritten signature in black ink, appearing to read "Jay Nixon".

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

A handwritten signature in black ink, appearing to read "Jason Kander".

Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

(Bracketed text indicates matter being deleted.)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RESCISSION

4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers. This rule set out the application requirements for designation as an Eligible Telecommunications Carrier to receive reimbursements from the state or federal Universal Service Fund.

PURPOSE: *This rule is rescinded because all of the rules pertaining to the Universal Service Funds are consolidated in Chapter 31.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the*

aggregate.

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

AUTHORITY: *sections 386.040, 386.250, 392.451 and 392.470, RSMo 2000. Original rule filed Oct. 31, 2005, effective June 30, 2006. Amended: Filed Aug. 28, 2007, effective March 30, 2008. Rescinded: Filed Aug. 7, 2013.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2013.0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri.*

Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending the chapter header and sections (1), (2), (6), (8), (9), (13), and (14), adding new sections (2), (4), (5), (7), (8), (9), (12), (13), (15), (16), and (18), and deleting sections (3), (4), (5), (7), (10), (11), (12), (15), and (16).

PURPOSE: *This rule is amended to ensure that necessary terms used in Chapter 31 are defined consistently with current law and applicability.*

(1) *[Applicable] Assessable [C]carrier—All registered Interconnected Voice over Internet Protocol (IVoIP) providers and certificated telecommunications companies [certified to provide telecommunications services in Missouri] except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a *de minimis* level of twenty-four thousand dollars (\$24,000).*

(2) **Board**—Refers to the Missouri Universal Service Board established by section 392.248.1, RSMo 2000 and comprised of members of the commission and the public counsel, which shall supervise the management of the MoUSF.

(2)(3) **Commission**—The Missouri Public Service Commission.

[(3) Cost—Cost of a telecommunications company in providing essential local telecommunications service as determined by the commission.]

(4) [Disabled customer—Any customer who requests or receives residential essential local telecommunications service and who meets the definition of “disabled” set out in section 660.100.2, RSMo 2000, or a customer who has a dependent that meets the definition of “disabled” set out in section 660.100.2 and is residing in the customer’s household.] **Disabled Program**—The program that offers discounted voice telephony service to Missourians with certain disabilities as defined by 4 CSR 240-31.120(1)(C).

(5) [Economically disadvantaged customer—see low-income customer.] **Eligible telecommunications carrier (ETC)**—Is a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C 214(e) and 47 CFR Part 54 Subpart C. ETC designation allows a carrier to receive FUSF support from the high-cost and/or Lifeline programs and to receive MoUSF support from the Lifeline or Disabled programs.

(6) Essential local telecommunications services—[Two (2)-way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:] This phrase is synonymous with “voice telephony service” as defined by 4 CSR 240-31.010(18).

(A) Single line residential service, including Touch-Tone dialing, and any applicable mileage or zone charges;
(B) Access to local emergency services including, but not limited to, 911 service established by local authorities;
(C) Access to basic local operator services;
(D) Access to basic local directory assistance;
(E) Standard intercept service;
(F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);
(G) One (1) standard white pages directory listing; and
(H) Toll blocking or toll control for qualifying low-income customers.]

(7) [Fund Administrator—The agency, individual, firm, partnership, or corporation selected by the Missouri Universal Service Board to act as the independent neutral administrator of the Missouri Universal Service Fund.] **Federal Communications Commission (FCC)**—The federal agency charged with oversight of the Federal Universal Service Fund and which places certain responsibilities on the commission, through the promulgation of federal rules pursuant to federal statutes, in fulfilling that oversight obligation.

(8) Federal Universal Service Fund (FUSF)—The federal program that provides funds to companies that offer free or reduced-price voice telephony service to low-income households.

(9) Federal Universal Service Fund Administrator (FUSFA)—An independent, not-for-profit corporation created to administer the federal universal service programs under the oversight of the FCC.

[(8)](10) Household—Defined by 47 CFR Part 54.400(h) as [A]ny individual or group of individuals who are living together at the same address as one (1) economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with some-

one who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians.

[(9)](11) Income—Defined by 47 CFR Part 54.400(f) as [A]ll income actually received by all members of [the] a household. This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran’s benefits, inheritances, alimony, child support payments, worker’s compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.

[(10) Local calling scope—The geographic area determined by a local exchange telecommunications company’s tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optimal, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

(11) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and whose household income, as defined in section (9) above, is at or below one hundred thirty-five percent (135%) of the Federal Poverty Guidelines or who participates or has a dependent residing in the customer’s household who participates in a program pursuant to 42 U.S.C. sections 1396–1396v, food stamps (7 U.S.C. section 51), Supplementary Security Income (SSI) (42 U.S.C. section 7), federal public housing assistance or Section 8 (42 U.S.C. section 8), National School Lunch Program’s free lunch program (42 U.S.C. section 13), Temporary Assistance for Needy Families (42 U.S.C. section 7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. section 94).

(12) Missouri Universal Service Board (board)—The board established by section 392.248.1., RSMo 2000, and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.]

(12) Interconnected Voice over Internet Protocol (IVoIP)—Is a service that enables real-time, two- (2)- way voice communications, requires a broadband connection from the user’s location, requires Internet protocol-compatible customer premises equipment, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(13) Lifeline Service—Refers to a retail voice telephony service offering with free or reduced monthly charges to qualifying low-income consumers. Lifeline is a government funded program provided as described in 47 CFR Part 54 Subpart E and these rules.

[(13)](14) MoUSF—refers to the Missouri Universal Service Fund (MoUSF). [or Fund]—The universal service fund/ The various purposes for the MoUSF are established by section 392.248, RSMo 2000/.] *[to be] The MoUSF is currently used/—*

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services/;

(C) *T/and* to pay the reasonable, audited costs of administering the MoUSF.; and

(D) *To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.]*

(15) Missouri Universal Service Fund Administrator (MoUSFA)—The agency, individual, firm, partnership, or corporation selected by the board to act as the independent neutral administrator of the MoUSF.

(16) MoUSF website—The MoUSF website is www.missouriusf.com or www.mousf.com. The website contains various forms and information as directed by the board regarding the administration of the MoUSF.

((14))(17) Net jurisdictional revenue—Net jurisdictional revenue shall include all **retail** revenues *[received by an applicable carrier from retail customers]* resulting from the provision of intrastate regulated telecommunications and **IVoIP** services, but shall not include revenue from payphone operations, taxes, and uncollectibles. **Wholesale** *[R/*revenues received from another provider of *[telecommunications services]* voice telephony service for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services shall not be considered retail revenues.

((15) Toll blocking—Toll blocking is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

((16) Toll control—Toll control is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.]

(18) Voice telephony service—Refers to voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying Lifeline consumers. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.

(19) Wireless service—Refers to commercial mobile radio service as identified in 47 CFR Parts 20 and 24.

AUTHORITY: section 392.200.2., RSMo Supp. [2011] 2012, and sections 392.248 and 392.470.1., RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC

HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED AMENDMENT

4 CSR 240-31.020 Organization, Powers, and Meetings of the Board. The commission is amending the chapter header, rule title, and sections (1), (2), (3), (4), (6), (7), and (8), adding new sections (6), (8), and (9), and deleting section (5).

PURPOSE: This amendment clarifies and specifies the organization and meetings of the board and other related responsibilities.

((1) [Within thirty (30) days after the effective date of this rule,] Each year during the months of January or February, the board shall convene [its initial organizational] an annual meeting, at which time it shall elect a chairperson, a secretary, and such other officers as the board deems appropriate.

(B) The secretary shall be responsible for recording the minutes of the meetings of the board, which minutes shall be open records in accordance with Chapter 610, RSMo [Supp. 1997] 2000.

(D) The board shall designate a member of the staff of the commission or public counsel to serve as the custodian of records. The custodian of records shall serve as such until replaced by the board. The custodian of records shall be responsible for maintaining all records of the board either on paper in the commission's offices or on the Missouri Universal Service Fund (MoUSF) website.

(E) The board shall designate a member of the staff of the commission or public counsel to serve as the board's general counsel. The general counsel shall consult with and advise the board on legal matters as the board may require.

(F) The board may designate one (1) or more members of the staff of the commission and the public counsel to serve as the board's staff, to which it may delegate the day-to-day operations of the board, such as interacting with the Missouri Universal Service Fund Administrator (MoUSFA), reviewing the work, books, and invoices of the MoUSFA and such other work as the board deems appropriate.

(2) The principal office of the board is located at the offices of the [Missouri Public C]commission in Jefferson City, Missouri.

(3) *[The initial, regular, and any special]* Any meetings of the board *[shall]* may be held in *[the agenda room of the commission unless otherwise]* any location within the state of Missouri, as posted on its meeting agenda. All meetings of the board shall be open to the public in accordance with Chapter 610, RSMo *[Supp. 1997] 2000*. The meeting agenda, consisting of the time of each meeting and the matters to be discussed, will be posted at the commission offices and *[will also be available to the public by accessing the commission's home page on the Internet]* on the MoUSF website at least twenty-four (24) hours in advance of a board meeting.

(4) A *[simply]* simple majority of the board, consisting of a majority of the appointed qualified Public Service Commissioners and an appointed and qualified public counsel, will constitute a quorum for the transaction of business, the performance of any duty, or the exercise of any power by the board. Members of the board may appear by telephone, video conference, Internet connection, or any other technology that allows them to contemporaneously participate in board discussions and votes and that allows the public attending the meeting to hear such discussion and votes.

[(5) At the initial meeting of the board, or no later than thirty (30) days thereafter, the board will develop, and submit to the commission for its approval, a plan of operation for the Missouri Universal Service Fund (MoUSF) in accordance with section 392.248.8, RSMo Supp. 1997.]

[(6)](5) The board shall *[adopt procedures, which will include a]* follow the procedures established by the Office of Administration in completing a competitive bid process*[/, to retain an independent neutral]* *[Fund Administrator]* MoUSFA, who will be responsible for the day-to-day operations of the MoUSF. *[These]* The board shall also adopt procedures *[shall]* to provide, among other things, for the periodic review of the *[Fund Administrator]* MoUSFA and the opportunity *[for selection of an alternative Fund Administrator]* to re-bid the contract for the MoUSFA no less frequently than every *[four (4)]* five (5) years. The board may establish other procedures as needed to facilitate the orderly administration of the MoUSF.

(6) The board shall follow the procedures established by the Office of Administration in completing a competitive bid process to retain the services of an accounting firm to audit the MoUSF on an annual basis, to complete the board's state and federal tax filings and perform other accounting duties it may require. The board may choose more than one (1) such firm to perform the duties under the contract, assigning different tasks to each accounting firm. The board shall also adopt procedures to periodically review the work of the accounting firm(s) and to re-bid the contract(s) no less frequently than every five (5) years.

(7) The board shall *[also]* have the power to propose to the commission *[for its adoption such additional]* new or amended rules*[/, or modifications to existing rules, which in the board's judgement are]* as it deems necessary and convenient to further implement and administer the MoUSF.

(8) The board will meet at least twice a year; however, except for the annual meeting, there are no constraints on the timing of the board's meetings.

(9) The board may establish a form for Eligible Telecommunications Center (ETCs) to use to enroll end-users in the Lifeline or Disabled programs and shall post a generic acceptable form on its website. All ETCs shall use the form established by the board. If a company wants to provide additional information for the applicant, such as that information which is interpreted by the

company as required by Federal Communications Commission (FCC) compliance order, then a company may be permitted to attach an additional sheet(s) to the form. At least one (1) business day prior to use, the ETC shall electronically submit a copy of such additional sheet(s) to the board staff. If the additional sheet(s) is changed, the ETC shall electronically submit a copy of that additional sheet(s) to the board staff with the changes highlighted, at least one (1) business day prior to the use of the changed form. There is no obligation on the board or its staff to review or approve such sheet(s).

[(8)](10) Nothing in these rules shall require the board to take any actions that are inconsistent with state or federal statutes, administrative rules, or court decisions concerning the provision of *[essential local telecommunications service]* voice telephony service.

AUTHORITY: section[s] 392.200.2, RSMo Supp. *[1997] 2012*, and sections 392.248*[,]* and 392.470.1, RSMo *[1994] 2000*. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED AMENDMENT

4 CSR 240-31.030 The *[Fund Administrator]* MoUSFA. The commission is amending the chapter header, rule title, and sections (1), (2), and (3), and adding new section (4).

PURPOSE: This amendment modifies the qualifications for and the responsibilities of the MoUSFA.

(1) The *[Fund Administrator]* Missouri Universal Service Fund Administrator (MoUSFA) may be an agency, individual, firm, partnership, or corporation. It shall be neutral and independent from the commission, the public counsel, and any telecommunications **or** Interconnected Voice over Internet Protocol (IVoIP) company. It may not have any financial interest in a telecommunications company *[as defined by section 386.020(51), RSMo 2000, or in any other communications company including, but not limited to, a wireless carrier or cable television company.]*, IVoIP company, wireless carrier, or any other provider of voice telephony service.

(2) The *[Fund Administrator]* MoUSFA shall be a fiduciary with trust company powers. It shall keep the books and records relating to its administration and operation of the Missouri Universal Service Fund (MoUSF) in accordance with generally accepted accounting principles. Books and records of the *[Fund Administrator]* MoUSFA shall be open records in accordance with Chapter 610, RSMo 2000 and shall be audited on an annual basis by an independent auditor selected by the board. Records containing company-specific information shall not be open records unless release is approved and authorized by the board following notification to and an opportunity to object by the company. The requestor seeking release of company-specific information should submit the request to the secretary of the board, who shall provide the company with prompt notice of the request. The requestor shall be responsible for supporting its request before the board. The decision of the board shall be reviewable pursuant to the provisions of this chapter.

(3) The *[Fund Administrator]* MoUSFA is authorized to establish accounts with a bank of this state for the deposit of moneys into the MoUSF. The *[Fund Administrator]* MoUSFA shall ensure that the moneys deposited in the MoUSF are insured to the maximum extent permitted by law and that they earn a return commensurate with other moneys of the state on deposit with banks.

(4) The MoUSFA shall submit a monthly report to the board that includes, at a minimum, the current funding level of the MoUSF and an approximation of how many month's funding is contained in that balance. Additional requirements may be included in the MoUSFA contract.

AUTHORITY: sections 392.200.2, RSMo Supp. [2004] 2012 and 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED RESCISSION

4 CSR 240-31.040 Eligibility for Funding—High Cost Areas. This rule provided requirements for determining the eligibility of telecommunications companies for universal service funds for high cost areas.

PURPOSE: This rule is rescinded because the Missouri Universal Service Fund does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future.

AUTHORITY: sections 392.200.2 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo 1994. Original rule filed Aug. 15, 1997, effective April 30, 1998. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED RESCISSION

4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers. This rule established the eligibility of telecommunications companies to receive support from the Missouri Universal Service Fund (MoUSF) for essential local telecommunications services provided to low-income and disabled

customers, and the individual eligibility requirements for participation in the MoUSF by low-income and disabled customers.

PURPOSE: This rule is rescinded because it will be replaced by a new rule that combines some sections and adds the required federal mandates concerning initial and continued eligibility for end-user customers.

AUTHORITY: sections 386.250(2), 392.210.2, 392.248, and 392.470.1, RSMo 2000 and section 392.200, RSMo Supp. 2007. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED AMENDMENT

4 CSR 240-31.060 The MoUSF Assessment/s for MoUSF Funding. The commission is amending the chapter header, rule title, and sections (1) and (2), deleting sections (3), (5), (6), and (7), renumbering and amending section (4), and adding a new section (4) and (5).

PURPOSE: This amendment clarifies the MoUSF assessment process.

(1) All [applicable] assessable carriers [providing telecommunications service as defined in section 386.020(53), RSMo 2000 in Missouri] will be subject to the Missouri Universal Service Fund (MoUSF) assessment [for contributions to the Missouri Universal Service Fund (MoUSF)].

(2) The MoUSF [A]ssessment[s for the MoUSF will be] is based on [the] an assessable carrier's Missouri net jurisdictional revenues [of each applicable carrier and other nondiscriminatory factors as determined by the commission].

[3] Assessments will be based on the level of net jurisdictional revenues from the preceding calendar year or for some shorter time period as may be determined by the commission.]

[4] (3) [Collection of Data for] Assessment[s] Level.

(A) The commission will furnish to the Fund Administrator by December 31 of each year, or more frequently as may be determined by the commission, a list of all telecommunications companies holding certificates of service authority in the state of Missouri.

(B) In February each year, [T]he [Fund Administrator will periodically submit to] MoUSFA shall issue a form on which each registered Interconnected Voice over Internet Protocol (IVoIP) provider and certificated telecommunications company [a request for information regarding its] shall certify the company's Missouri net jurisdictional revenues for the prior calendar year. [Such report will be due to the Fund Administrator ninety (90) days from the receipt of the request.]

(B) Companies shall be given ninety (90) days to complete and return the form.

(C) The MoUSFA shall regularly monitor the MoUSF's balance, disbursements, remittances, and other relevant information to ensure a reasonable MoUSF balance. The MoUSF Fund balance should be within a target range of five (5) to nine (9) months worth of MoUSF expenses, or as otherwise determined by the board.

(D) The MoUSFA shall submit in each monthly report to the board a recommendation to maintain, increase, or decrease the assessment level. Any assessment adjustment recommendation must be accepted by the board and then approved by commission order before going into effect.

(E) If the commission approves an assessment adjustment, it shall notify all assessable carriers of a change in the assessment. Notice should be provided to carriers at least sixty (60) days in advance of any change to the assessment.

(F) The MoUSF website shall readily identify the current assessment level as well as give notice of any pending assessment adjustments.

[5] *Determination of Assessments.*

(A) The Fund Administrator shall summarize the funding requests from companies serving high cost areas and from companies providing service to low-income customers and disabled customers to calculate a statewide funding requirement for the MoUSF. At the inception of the fund, the Fund Administrator may also make estimates of the funding requirements for those companies whose funding has not been finally determined.

(B) The Fund Administrator shall submit to the board its determination of the funding requirements, along with its determination of the revenues upon which the assessment shall be made, and the percentage assessment to be made upon the net jurisdictional revenues of each applicable carrier.

(C) The board shall review the Fund Administrator's submission and authorize an appropriate percentage assessment to be submitted to the commission for approval to be made upon the applicable revenues to each Missouri applicable carrier to provide funding for the MoUSF.

(6) *Notices of Assessments.*

(A) Notices of assessment, as determined under 4 CSR

240-31.060(5)(B) above, shall be sent by the Fund Administrator to every applicable carrier.

(B) Payments shall generally be assessed to be paid on a monthly basis although the Fund Administrator may establish payments on a quarterly or annual basis for those companies where it would be inefficient to collect payments on a monthly basis.

(7) Adjustments to Assessments.

(A) The Fund Administrator will report to the board on a monthly basis the status of fund receipts and disbursements. Included in this report will be the Fund Administrator's assessment of the appropriateness of the current assessment level in relationship to known fund requirements.

(B) The Fund Administrator will recommend to the board, or the board on its own action, may implement changes in assessment levels as is appropriate to adjust the fund's receipts to meet its funding obligations.]

(4) Collection of MoUSF Assessment from Customers.

(A) All assessable carriers shall place on each retail end-user customer's bill, a surcharge equal to the percentage assessment ordered by the commission.

(B) The surcharge shall appear as a separate line item detailed as "Missouri Universal Service Fund."

(C) The surcharge percentage shall be applied to each customer's total charges associated with the carrier's net jurisdictional revenues.

(D) A carrier shall not recover its MoUSF assessment in any way other than through this surcharge.

(5) Remitting MoUSF Assessments.

(A) All assessable carriers shall remit in either of the following methods:

1. The carrier may remit all funds received as a result of the application of the MoUSF surcharge as provided in section (4) above, in full satisfaction of a carrier's annual percentage assessment; or

2. The carrier may remit an amount based solely on applying the percentage assessment to the carrier's Missouri net jurisdictional revenue. If this method is used, no refunds shall be given if a carrier subsequently finds it remitted more than it collected.

(B) The MoUSFA shall publish on the MoUSF web site remittance procedures and deadlines for remitting payments. Remittances shall generally be made on a monthly basis; however, quarterly payments may be allowed as described on the MoUSF website.

(C) Failure to submit payments in a timely manner shall result in late payment fees as determined by the board. Waiver of such late payment fees may be considered if an explanation of why a waiver should be granted is submitted in writing to the MoUSFA within thirty (30) days of being notified of the initial late payment fee. Waivers shall only be granted by the board or as delegated by the board to its staff.

AUTHORITY: sections 392.200, RSMo Supp. [2004] 2012, and 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]**

PROPOSED RESCISSION

4 CSR 240-31.065 Collection of MoUSF Surcharge from End-User Subscribers. This rule established the procedures for the collection of the MoUSF surcharge by assessed telecommunications carriers.

PURPOSE: This rule is rescinded because the Missouri Universal Service Fund does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future. The parts of this rule that did not pertain to high-cost funding have been incorporated in another rule, so that all requirements pertaining to assessments and surcharges are in a single rule.

AUTHORITY: sections 392.200.2, 392.248, and 392.470, RSMo 2000. Original rule filed Oct. 30, 2002, effective July 30, 2003. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments

and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED RESCISSION

4 CSR 240-31.070 Receipt of MoUSF Funds. This rule established the procedures for remittance of assessments to the Fund Administrator of the MoUSF.

PURPOSE: This rule is rescinded because the Missouri Universal Service Fund does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future.

AUTHORITY: sections 392.200.2 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo 1994. Original rule filed Aug. 15, 1997, effective April 30, 1998. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED RESCISSION

4 CSR 240-31.080 Applications for MoUSF Funds. This rule established procedures for applying for funds from the MoUSF.

PURPOSE: This rule is rescinded because the Missouri Universal Service Fund does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future.

AUTHORITY: sections 392.200.2, RSMo Supp. 2004 and 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]

PROPOSED AMENDMENT

4 CSR 240-31.090 Disbursements of MoUSF Funds. The commission is amending the chapter header, and sections (1), (2), and (3), adding new sections (1), and (2), and deleting section (4) .

PURPOSE: This amendment clarifies the MoUSF disbursement procedures.

(1) Only Eligible Telecommunications Center (ETCs) certificated as a telecommunications company or registered as an Interconnected Voice over Internet Protocol (IVoIP) provider are eligible to seek disbursements from the Missouri Universal Service Fund (MoUSF) by completing an Application for Support Eligibility form available on the MoUSF website. A completed form must be submitted in a timely manner to the Missouri Universal Service Fund Administrator (MoUSFA). Failure to apply for support within three (3) months of provisioning service to the Lifeline or Disabled customer(s) shall limit support to the amount requested or three hundred fifty dollars (\$350) (whichever is less).

(2) MoUSF disbursement eligibility depends on an ETC complying with all MoUSF assessment obligations and requirements associated with the Lifeline and/or Disabled programs. If an

ETC's compliance is in question, an ETC's application for disbursement shall be held in abeyance until all compliance issues are adequately resolved.

[(1)](3) The [Fund Administrator] MoUSFA shall make disbursements from the [Missouri Universal Service Fund (MoUSF)] by wire transfer, check, or other appropriate means to fund recipients.

[(2)](4) The [Fund Administrator] MoUSFA shall not make any disbursements to itself unless said disbursements have been first approved by the board.

[(3)](5) The [Fund Administrator] MoUSFA shall keep accurate and complete records of all disbursements from the fund showing, at a minimum, for each disbursement:

- (A) The recipient;
- (B) The amount of the disbursement;
- (C) The date of the disbursement; and
- (D) The purpose of the disbursement (e.g., *high cost assistance*, assistance to provide service to low-income customers and/or disabled customers, costs of administering the fund, etc.)

[(4) Any interested entity that objects to a disbursement from the MoUSF by the Fund Administrator may seek review of that disbursement by the board and/or the commission pursuant to 4 CSR 240-31.110 of these rules.]

AUTHORITY: section[s] 392.200.2, RSMo Supp. 2012, and sections 392.248[, RSMo Supp. 1997] and 392.470.1, RSMo [1994] 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]**

PROPOSED RESCISSION

4 CSR 240-31.100 Review Procedures for Support Payments. This rule established the procedures for the periodic review of the commission's definition of essential local telecommunications service, the qualification for assistance by a high cost area and the level of support payments to a fund recipient.

PURPOSE: This rule is rescinded because the Missouri Universal Service Fund does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future.

AUTHORITY: sections 392.200.2 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo (1994). Original rule filed Aug. 15, 1997, effective April 30, 1998. Rescinded: Filed Aug. 7, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—[Missouri] Universal Service [Fund]**

PROPOSED AMENDMENT

4 CSR 240-31.110 Review of Board and MoUSFA [Fund Administrator] Activities. The commission is amending the chapter header, rule title, and sections (1), (2), (3), and (4), and adding new section (4).

PURPOSE: This rule modifies the procedures for reviewing any actions taken or decisions issued by the MoUSFA or the board.

(1) Any action taken or decision issued by the **Missouri Universal Service** Fund Administrator (**MoUSFA**) may be reviewed by the board. Review may be had upon the board's own motion or upon motion by any interested entity. If an entity other than the board seeks review of the **[Fund Administrator's] MoUSFA** action or decision it must do so, in writing, within thirty (30) days of the date upon which the action is taken or the decision is issued. The **[Fund Administrator] MoUSFA** must, and any other interested entity may,

file a written response to the motion for review within ten (10) days after the filing of the motion for review.

(2) Within sixty (60) days of receipt of a motion for review the board shall issue its decision, in writing, affirming, reversing or modifying the action taken or the decision issued by the *[Fund Administrator] MoUSFA*. If the board does not issue its decision within sixty (60) days, then the action taken or decision issued by the *[Fund Administrator] MoUSFA* shall be deemed to be approved by the board.

(3) Any action taken or decision issued by the board may be reviewed by the commission upon motion by any interested entity, including the *[Fund Administrator] MoUSFA*. Motions for review of any action taken or decision issued by the board must be filed with the commission within thirty (30) days of the date the action is taken or the decision is issued. Any responses to the motion for review must be filed within ten (10) days of the filing of the motion for review. The commission may set the matter for hearing or it may issue its decision based upon the written pleadings. Upon review, the commission shall issue its decision either affirming, reversing, or modifying the action taken or decision issued by the board.

(4) The deadlines established by this section may be waived for good cause.

[(4)](5) Review of any commission decision affirming, reversing, or modifying the board's action or decision may be sought pursuant to section 386.500, RSMo *[Supp. 1997] 2000*, et seq.

AUTHORITY: section[s] 392.200.2, RSMo Supp. 2012, and sections 392.248[1, RSMo Supp. 1997] and 392.470.1, RSMo [1994] 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service

PROPOSED RULE

4 CSR 240-31.120 Lifeline Program and Disabled Program

PURPOSE: This proposed rule identifies requirements for participating in the Lifeline and/or Disabled programs. Any ETC participating in the Lifeline program must comply with these rules, including an ETC solely receiving federal Lifeline support.

(1) Lifeline and Disabled Programs Described.

(A) The Lifeline Program eligibility criteria include participation in:

1. MO HealthNet (formerly Medicaid) or any program pursuant to 42 U.S.C. sections 1396-1396v;

2. Supplemental Nutrition Assistance (Food Stamps) or any program pursuant to 7 U.S.C. section 51;

3. Supplemental Security Income, or any program pursuant to 42 U.S.C. section 7;

4. Low-Income Home Energy Assistance (LIHEAP) or any program pursuant to U.S.C. section 94;

5. Federal Public Housing Assistance (Section 8) or any program pursuant to 42 U.S.C. section 8);

6. National School Free Lunch Program pursuant to 42 U.S.C. section 13;

7. Temporary Assistance for Needy Families pursuant to 42 U.S.C. section 7(IV); or

8. A consumer's household income is at or below one hundred thirty-five percent (135%) of the federal poverty level; and

9. Any other eligibility criteria as determined by the Federal Communications Commission (FCC) to be applicable in all states or as identified in FCC rule 47 CFR 54.409.

(B) The Lifeline Program is funded by the Federal Universal Service Fund (FUSF) and the Missouri Universal Service Fund (MoUSF). An Eligible Telecommunications Carrier (ETC) participating in the Lifeline Program shall comply with this rule even if it solely receives only federal support.

1. The FUSF Lifeline funding is specified in 47 CFR 54.403. This funding is available to all designated ETCs.

2. The MoUSF Lifeline funding is three dollars and fifty cents (\$3.50) per month per Lifeline subscriber for ETCs certificated as a telecommunications company or registered as an Interconnected Voice over Internet Protocol (VoIP) provider.

3. MoUSF Lifeline funding when combined with FUSF Lifeline funding shall not exceed the sum of an ETC's local voice telephony service monthly rate and subscriber line charge.

(C) The Disabled Program is a residential retail service that offers a qualifying disabled customer reduced charges for voice telephony service. The Disabled Program is solely administered by the board through these rules and is solely funded by the MoUSF.

1. The Disabled Program eligibility criteria include participation in:

A. Veteran Administration Disability Benefits;

B. State Blind Pension;

C. State Aid to Blind Persons;

D. State Supplemental Disability Assistance;

E. Federal Social Security Disability; or

F. Federal Supplemental Security Income.

2. The MoUSF provides three dollars and fifty cents (\$3.50) per month per disabled subscriber; however, MoUSF support is limited to telecommunications companies and interconnected VoIP providers. MoUSF support is not available to wireless carriers.

(2) Carrier Participation Requirements in the Lifeline and Disabled Programs.

(A) A carrier must be designated as an ETC by the commission in order to participate in the Lifeline or Disabled Program and receive FUSF and/or MoUSF support.

(B) An ETC shall demonstrate compliance with all of the following requirements:

1. All ETC substantive and filing requirements identified in 4 CSR 240-31.130;

2. Remittance payments to the FUSF and MoUSF, as applicable;
3. Reporting requirements to Federal Universal Service Fund Administrator (FUSFA) and the Missouri Universal Service Fund Administrator (MoUSFA);
4. All requirements associated with the Lifeline program identified in 47 CFR Part 54 Subpart E and this chapter;
5. All requirements associated with the Disabled program identified in this chapter; and
6. Any ETC must be current in all filing requirements and other Missouri Public Service Commission (MoPSC) required assessments prior to receipt of support payments from the MoUSF.

(C) An ETC shall annually recertify a subscriber's continued eligibility for participation in the Lifeline program. A subscriber shall submit proof of eligibility at least once every two (2) years unless an ETC has an automated means of verifying subscriber eligibility or alternatively a carrier's annual recertification process is administered by the FUSFA.

(D) An ETC shall annually recertify a subscriber's participation in the Disabled program using either of the following procedures:

1. Apply the same procedure as identified in subsection (2)(C) to all Disabled program participants; or

2. Limit annual recertification efforts to any household participating in the disabled program whereby the qualifying disabled customer is not listed as the voice telephony subscriber. In such situations the ETC may limit its inquiry to the voice telephony subscriber as to whether the qualifying disabled customer remains within the household.

(E) An ETC shall comply with all audit requests by the FCC, the FUSFA, MoUSFA and the commission staff, concerning compliance with any and all requirements of the Lifeline and Disabled programs.

(F) If an ETC provides wholesale service to a company without ETC designation whereby the reseller offers Lifeline service or Disabled service to qualifying consumers, such wholesale arrangements are subject to the ETC receiving support directly from the FUSF and/or MoUSF for qualifying low-income or disabled consumers served by the reseller. The reseller shall not directly receive USF support.

(3) Consumer Eligibility for the Lifeline and Disabled Programs.

(A) All consumers shall complete the application form approved by the board and submit adequate proof of eligibility. A board-approved application shall be required even if a carrier only seeks federal Lifeline support.

(B) Lifeline or Disabled service shall be limited to one kind of support per household. A Lifeline subscriber may receive both state and federal Lifeline support, but a household shall not receive both Lifeline and Disabled support, nor shall it receive Lifeline or Disabled support from multiple providers.

(C) A subscriber's participation in the Lifeline or Disabled Programs shall be denied or discontinued if it is discovered the subscriber has submitted incorrect, false, or fraudulent information to the carrier.

(4) De-enrollment Procedures.

(A) De-enrollment generally. If an ETC has a reasonable basis to believe a household no longer meets the eligibility criteria for participation in the Lifeline or Disabled program then the ETC shall provide written notification to the subscriber of impending termination. Notification shall be sent in writing separate from the subscriber's monthly bill, if one is provided, and shall be written in clear, easily understood language. A subscriber shall be allowed thirty (30)-days following the date of the impending termination notification to submit acceptable proof of continued eligibility consistent with applicable annual re-certification requirements. If a subscriber fails to demonstrate continued eligibility, the ETC shall de-enroll that subscriber within five (5) business days of the expiration of the thirty (30)-day response period.

(B) De-enrollment for duplicative support. If an ETC is notified by the FUSFA that a subscriber is receiving Lifeline service from another ETC or that more than one member of the subscriber's household is receiving Lifeline service, then the ETC shall de-enroll the subscriber from participation in the company's Lifeline program within five (5) business days.

(C) De-enrollment for non-usage. If an ETC does not assess or collect a monthly fee and the Lifeline subscriber has failed to comply for sixty (60) consecutive days with usage requirements as defined in 47 CFR 54.407(c)(2) then the ETC shall provide written notice of impending de-enrollment to the subscriber. The notice shall inform the subscriber in clear, easily understood language that if the subscriber fails to use the Lifeline service within the next thirty (30) days then the subscriber will be de-enrolled from the Lifeline program. If the subscriber uses the Lifeline service within thirty (30) days of providing such notice then the company shall not terminate the subscriber's Lifeline service.

(D) De-enrollment for failure to re-certify. If a Lifeline or Disabled subscriber fails to respond to the ETC's attempts to obtain applicable re-certification, or fails to provide the annual one-per-household re-certification as required by 47 CFR 54.410(f), then the ETC shall de-enroll the subscriber within five (5) business days after the expiration of the thirty (30)-day response period. This requirement shall also apply to a subscriber who relies on a temporary address and fails to respond to the ETC's address re-certification attempts pursuant to 47 CFR 54.410(g), if implemented.

(E) An ETC shall not be eligible for Lifeline or Disabled reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.

(5) Requirements for a Company offering Lifeline or Disabled Service on a resale basis without ETC status.

(A) Any company offering Lifeline and/or Disabled service solely on a resale basis and without ETC status shall comply with all requirements identified in this chapter and 47 CFR Part 54 Subpart E.

(B) The company shall provide the following information to the manager of the commission's Telecommunications Unit:

1. Certification via affidavit by an officer of the company that the company will comply with all requirements associated with the Lifeline or Disabled Programs within 4 CSR 240-31 and 47 CFR Part 54 Subpart E as if the company has ETC designation.

2. Contact information including address, email, and direct phone number for the primary individual employed by the company for ensuring compliance with 4 CSR 240-31 and 47 CFR Part 54 Subpart E.

3. A copy of the consumer application enrollment form the company intends to use to sign-up customers to the Lifeline and/or Disabled Programs.

4. Full and complete responses to information identified in 4 CSR 240-31.130(1)(B)1., 2., 4., 7., 8., 11. and 12.; (C) and (D).

(C) Companies intending to offer Lifeline and/or Disabled service solely on a resale basis and without ETC status shall provide the information in subsection (5)(B) at least thirty (30) days in advance of offering such services. Any company already offering such services on the effective date of this rule must provide such information within thirty (30) days of the effective date of this rule.

(D) The company shall annually submit, no later than July 1 of each year, all information required in 4 CSR 240-31.130(3)(A) in the commission's Electronic Filing and Information System.

AUTHORITY: section 392.200.2, RSMo Supp. 2012, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 7, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service

PROPOSED RULE

4 CSR 240-31.130 Eligible Telecommunications Carrier Requirements

PURPOSE: *This proposed rule establishes application requirements for any carrier seeking ETC designation and on-going requirements for any carrier designated as an eligible telecommunications carrier.*

(1) Application requirements for Eligible Telecommunications Carrier (ETC) designation.

(A) All ETC applications shall comply with the application requirements identified in 4 CSR 240-2.060. All applications shall be verified by oath as to the truthfulness therein by an officer or director of the applicant.

(B) All ETC applications shall contain the following information regarding the company's proposed provisioning of voice telephony service:

1. A description of the service the applicant will offer;
2. An identification of the applicant's proposed service area;

3. An explanation of how the applicant will offer services using its own facilities or a combination of its own facilities and resale of another carrier's services, including a description of the applicant's own facilities as that term is defined in 47 CFR 54.201. If an applicant is seeking ETC designation solely for Lifeline purposes and does not comply with the own-facilities requirement, the applicant shall provide—

A. A statement confirming that subscribers will have 911 and E911 access; and

B. A copy of the applicant's Federal Communications Commission (FCC)-approved compliance plan. Unless otherwise specified by the FCC, an applicant's compliance plan shall adequately address the information specified in the FCC's Public Notice DA 12-314 released February 29, 2012 for WC Docket Nos. 09-197, 11-42;

4. A statement certifying the applicant will advertise the avail-

ability of its supported service and its price, using media of general distribution. The applicant shall also provide an explanation of how the applicant will advertise. If an applicant intends to advertise its service by direct mail then the company shall explain how it will target those mailings to consumers reasonably likely to qualify for the service. An applicant shall provide examples of advertising, when available;

5. A certification that the applicant will comply with the applicable service requirements in 47 CFR 54.201(d)(2);

6. A demonstration of the applicant's ability to remain functional in emergency situations, including a description of available back-up power, and a description of how the applicant will reroute traffic around damaged facilities and how it will manage traffic spikes resulting from emergency situations;

7. A statement that the applicant will satisfy applicable consumer protection, consumer privacy, and service quality standards. This statement shall include a list of those specific standards the applicant deems applicable. A wireless applicant shall include a statement that it will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service;

8. A description of all rates, terms, conditions, and provisions applicable to the proposed voice telephony service to be supported, in whole or part, as Lifeline or Disabled service, including any overage or additional minute charges. The applicant shall state whether this information will be maintained in a tariff or wireless informational filing with the commission, or on a publicly available website;

9. An explanation of how the applicant intends to provide service throughout the proposed service area, including areas whereby the applicant lacks facilities or network coverage;

10. A description of how the applicant will ensure service will be provided in a timely manner to requesting customers;

11. A commitment to maintain a record of customer complaints, including an agreement to make such records available upon request to the commission staff;

12. A commitment to remit required, collected 911 revenues to local authorities;

13. A demonstration that the applicant is financially viable and technically capable of providing voice telephony service; and

14. A description of how, if at all, the applicant will provide access to directory assistance services, operator services, and interexchange services.

(C) All ETC applications shall contain the following information regarding disciplinary history of the applicant and the individuals associated with the ETC applicant:

1. The identity of any individual or entity having a ten percent (10%) or more ownership interest in the applicant, and all managers, officers and directors, or any person exerting managerial control over the applicant's day-to-day operations, policies, service offerings, and rates;

2. The identity of any companies sharing common ownership or management with the applicant. For any identified company, indicate whether the company has or is currently offering telecommunications, Interconnected Voice over Internet Protocol (IVoIP) and/or wireless services, or has ever received funds from the Federal Universal Service Fund (FUSF) or any state universal service fund; and

3. The details of any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against the applicant, any person or entity that holds more than a ten percent (10%) ownership interest in the applicant, any affiliated company (any company under common management ownership or control, or that, by contract or other agreement performs any of the functions necessary to the applicant's Lifeline Service), that involves any aspect of state or federal Universal Service funds and programs, or any matter involving fraud, deceit, perjury, stealing or the omission or misstatement of material fact in connection with a commercial transaction. Such matters include, but are not limited to, formal or

informal notices of investigation, indictment, the filing of a complaint, a civil lawsuit, revocation or suspension proceeding, action for penalties or damages, or criminal charges. Such details include, but are not limited to, copies of complaints or other such pleadings and the filed responses thereto, as well as any orders, decisions or other determinations of culpability, including those that exonerate the subject of any wrongdoing.

(D) All ETC applications shall contain the following information and commitments regarding the applicant's proposed participation in the Lifeline or Disabled Program:

1. Certification that all funding will flow through to the subscriber of the applicable program;

2. A commitment that the applicant will solely conduct business using the name or "DBA" under which the commission granted ETC designation. This commitment shall also include a statement the applicant will not use additional service or brand names;

3. A commitment that the applicant will comply with all requirements associated with the Lifeline Program contained in 47 CFR Part 54 Subpart E;

4. A commitment that the applicant will comply with all requirements contained in this chapter, whether funded solely through the FUSF or through the FUSF and the Missouri Universal Service Fund (MoUSF);

5. A statement indicating whether the applicant intends to seek support from the MoUSF. If so, the applicant shall state whether it intends to participate in the Disabled Program;

6. A demonstration of how the applicant will ensure that the full amount of Lifeline or Disabled support will be passed through to the qualifying low-income consumer;

7. A commitment that the applicant will only use a Lifeline or Disabled Application form approved by the board, and that any supplemental form, as well as any changes to the supplemental form, will be submitted to the commission staff at least one (1) business day prior to use of the form in Missouri;

8. An explanation of how the applicant will initiate Lifeline or Disabled service to a subscriber, including:

A. How it will ensure a subscriber meets eligibility requirements;

B. How it will determine if a subscriber's identity and primary address are correct; and

C. How it will ensure that only one Lifeline or Disabled discount is received per household;

9. If the applicant does not assess or collect a monthly fee for Lifeline service, it shall explain how it will comply with the following requirements:

A. The applicant will not receive universal service support until the subscriber activates the service; and

B. The applicant will only receive support for a subscriber using the service within the last sixty (60) days, including a description of its process to monitor and de-enroll a subscriber that fails to use the service for sixty (60) consecutive days;

10. An explanation of how the applicant intends to annually verify a customer's continued eligibility for the Lifeline or Disabled Program, including what action will be taken if a subscriber fails to adequately respond or is no longer eligible for support; and

11. A statement indicating whether the applicant intends to use agents or independent contractors who are not employees of the applicant to sign-up subscribers to the Lifeline or Disabled Program. If non-employees are going to be used then the applicant shall supplement this statement by committing to take responsibility for them and their activities as if they were legally employees of the applicant. In addition, the applicant shall explain how it will monitor such personnel to ensure compliance with all applicable laws and rules concerning the Lifeline or Disabled Program.

(E) All ETC applications shall contain the following regulatory information:

1. A commitment to notify the commission of any changes to company contact information;

2. If the applicant is certificated or registered by the commission, a statement that the company is compliant with all reporting and assessment obligations;

3. A statement that the applicant is compliant with contribution obligations to the FUSF; and

4. If an applicant has sought and obtained a waiver of any ETC requirement from the FCC, it shall provide a copy of the FCC's decision.

(F) Any application seeking ETC designation for the intended purpose of receiving federal high-cost support shall provide the following additional information:

1. A statement that the applicant will comply with all requirements of 47 CFR Part 54 Subpart C;

2. An explanation of how granting ETC status is in the public interest;

3. A five- (5-) year plan describing specific proposed improvements or upgrades to the applicant's network throughout its proposed service area. This plan shall include a description of the intended use of the high-cost support, including detailed descriptions of any construction plans with start and end dates, populations affected by construction plans, existing tower site locations for wireless cell towers, and estimated budget amounts. The plan shall demonstrate that universal service support shall be used to improve coverage, service quality, or capacity throughout the Missouri service area for which the requesting carrier seeks ETC designation including:

A. A detailed map of coverage area before and after improvements and in the case of wireless providers, a map identifying existing cell tower site locations;

B. The specific geographic areas where improvements will be made;

C. The projected start date and completion date for each improvement;

D. The estimated amount of investment for each project that is funded by high-cost support;

E. The estimated population that will be served as a result of the improvements;

F. If an applicant believes that service improvements in a particular wire center or census block are not needed, an explanation of its basis for this determination and a demonstration of how funding will otherwise be used to further the provision of supported services in that area; and

G. A statement as to how the proposed plans would not otherwise occur absent the receipt of high-cost support, and that such support will be used in addition to any expenses the ETC would normally incur;

4. A reasonable plan outlining the method for handling unusual construction or installation charges;

5. A statement that the applicant will use the support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended; and

6. A description of how the applicant intends to monitor the company's quality of service. This description shall include, but not be limited to monitoring—

A. The timeliness of providing service;

B. The timeliness of restoring out-of-service conditions;

C. The amount of trouble experienced with the applicant's service; and

D. The amount of outages experienced with the applicant's service.

(2) ETC Requirements.

(A) An ETC shall not self-certify to the FUSFA for receipt of FUSF. Any ETC seeking annual certification to receive support pursuant to the high-cost, Lifeline or Disabled Program shall seek certification through the commission by July 1 of each year.

(B) An application for ETC designation shall be deemed to be acceptance of commission jurisdiction over any issues related to ETC status and USF funding and acceptance of all commission rules pertaining to universal service. The commission shall not certify an ETC

that fails to comply with state and federal rules applicable to that ETC.

(C) An ETC shall make available voice telephony service to all subscribers in the ETC's service area upon reasonable request.

(D) An ETC shall only offer Lifeline or Disabled service within its designated service area as provided in the Missouri Commission's ETC designation.

(E) Any ETC participating in the federal high-cost support program shall comply with all requirements identified in 47 CFR Part 54 Subpart D and these rules.

(F) Any ETC participating in the Lifeline Program shall comply with all requirements identified in 47 CFR Part 54 Subpart E and this chapter. Any ETC participating in the Disabled Program shall comply with this chapter. ETCs solely funded through the FUSF shall comply with this chapter.

(G) An ETC shall solely conduct business using the name or "DBA" under which the commission granted ETC designation and no additional service or brand names, unless the ETC properly files for a name or "DBA" change pursuant to 4 CSR 240-31.130(2)(M). Use of other or additional names such as brand or service names shall be prohibited.

(H) An ETC shall maintain an intrastate tariff, wireless informational filing or a publically available website to display all rates, terms, conditions, or other provisions concerning the company's voice telephony services.

(I) An ETC shall maintain a current list of company-designated contacts within the commission's Electronic Filing and Information System (EFIS);

(J) An ETC shall notify the manager of the commission's Telecommunications Unit of any proceeding initiated by a state or federal regulatory authority alleging the ETC or any person or entity identified in subsection (1)(C) above is violating any state or federal universal service program requirements. Such notice shall also be required if any allegations of fraud, tax evasion, or the commitment of a felony by the ETC or such person or entity are made. Notice shall be made within thirty (30) days of the initiation of the proceeding and shall be in written format either via letter or electronic means. This notice shall explain the allegations, cite the proceeding, and provide contact information for subsequent questions about the proceeding. If possible, the notice shall also provide an electronic link or electronic access to any public documents associated with the proceeding. The ETC shall subsequently forward any final decisions regarding the proceeding made by any state or federal agency or court within thirty (30) days of releasing the decision.

(K) An ETC shall forward to the manager of the commission's Telecommunications Unit the audit results concerning the company's compliance with universal service program requirements as conducted by FUSFA or by an independent auditor as contemplated by 47 CFR 54.420. Finalized audit reports shall be provided within thirty (30) days of the issuance of the final audit report. The ETC shall accompany a finalized audit report with a response as to how the company will address and resolve noncompliance issues, if any.

(L) An ETC shall comply with record keeping requirements as identified in 47 CFR 54.320 for the high-cost program and 47 CFR 54.417 for the Lifeline Program. ETCs shall keep all books and records associated with ETC designation and/or the commission's annual certification process in accordance with good business practices, and at such place as they are normally kept in the usual course of business. The ETC shall make its books and records available to the commission or its staff consistent with 4 CSR 240-10.010 of the commission's rules.

(M) An ETC shall cooperate and comply with periodic audits and/or requests for information by the commission staff to monitor compliance with this chapter.

(N) Any ETC that changes its name shall file a written notice in the commission's Electronic Filing and Information System at least ten (10) days prior to the use of the new name. This notice shall include:

1. A statement clearly setting out both the old name and the new name;

2. Evidence of registration of the new name with the Missouri Secretary of State;

3. A statement that the company will continue to comply with all applicable laws and rules relating to ETC designation;

4. A statement that the company's contacts in EFIS have been reviewed and are correct; and

5. A copy of the notice informing customers of the name change; and

- (O) No ETC shall willfully make any false entry or record or willfully neglect to make full, true, and correct entries in such records of all facts and transactions appertaining to its business, nor shall an ETC make any false statement to the commission, FUSFA, or the FCC.

(3) Annual Filing Requirements for ETCs.

(A) In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission's Electronic Filing and Information System:

1. A certification by an officer of the company, under penalty of perjury, that—

- A. The company complies with each of the annual certification requirements identified in 47 CFR 54.416(a);

- B. The company complies with all Missouri Lifeline Program and Disabled Program procedures as identified in 4 CSR 240-31.120;

- C. The company is using a Lifeline and/or Disabled application form approved by the Missouri USF board;

- D. The company complies with all requirements associated with the National Lifeline Accountability Database as identified in 47 CFR 54.404 when implemented;

- E. The company's Lifeline service continues to meet the criteria set forth in 47 CFR 54.401;

- F. For any company not assessing or collecting a monthly fee from its Lifeline subscribers, the company complies with the service activation and service de-enrollment requirements identified in 47 CFR 54.407(c) and 47 CFR 54.05(e)(3), respectively; and

- G. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and other USF-related materials including filings with the FUSFA and the FCC;

2. A statement indicating whether the company offers access to interexchange services, directory assistance services, and operator services.

3. A copy of the annual report required by 47 CFR 54.422;

4. The results of the company's most recent annual re-certification efforts of existing Lifeline subscribers as required by 47 CFR 54.416(b);

5. Subscriber quantities as described below for the most recent twelve- (12-) month time period—

- A. Number of Lifeline subscribers at the beginning of the twelve- (12-) month time period;

- B. Total number of new Lifeline subscribers activated during the twelve- (12-) month time period;

- C. Total number of Lifeline subscribers de-enrolled during the twelve- (12-) month time period.

- (I) ETCs offering a free Lifeline service whereby no monthly bill is sent to the Lifeline subscriber shall provide the following de-enrollment quantities for the twelve- (12-) month time period:

- (a) Total number of Lifeline subscribers de-enrolled due to non-usage of the Lifeline service;

- (b) Total number of Lifeline subscribers de-enrolled for all other reasons than reflected in subpart (a); and

(c) Total number of Lifeline subscribers de-enrolled (i.e., (c) = (a) + (b)).

D. Number of Lifeline subscribers at the end of the twelve-(12-) month time period, identifying the twelve- (12-) month time period.

E. If company participates in Disabled Program then it shall provide respective subscriber quantity information for Disabled subscribers as described in A, B, C, and D above. Any subscriber quantities may be filed on a confidential basis using procedures in 4 CSR 240-2.135.

6. A summary of any USF- or ETC-related audits conducted within the past year. Such audits include the independent audits as contemplated by 47 CFR 54.420 and audits conducted by the FUSFA. If an audit identifies any non-compliance issue then the company shall provide the status of resolving the issue. The full and finalized audit report shall have been previously submitted to the manager of the commission's Telecommunications Unit as described in 4 CSR 240-3.570(3)(H) so the company shall identify the date the audit report was provided to the commission;

7. A list of any proceedings alleging the company is violating universal service fund requirements. This list shall consist of any formal proceeding in any jurisdiction that has either been initiated or completed within the past year. For each proceeding the company shall provide an accurate citation of the proceeding, the jurisdiction, and a brief description of the allegations along with the status of any finalized decisions regarding the proceeding by a regulatory agency or court;

8. If an ETC provides Lifeline discounted wholesale services to a reseller then the ETC shall identify the reseller.

9. The electronic address of any website(s) whereby the company maintains information regarding the company's Lifeline service offering.

(B) All ETCs receiving high-cost support shall submit, no later than July 1 of each year in order for an ETC to continue to receive high-cost support for the following calendar year, the following additional information with the company's annual filing to the commission's Electronic Filing and Information System:

1. An officer of the company shall certify under penalty of perjury that—

A. All federal high-cost support provided to the company within Missouri was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended;

B. The company complies with applicable service quality standards and consumer protection rules. Wireless ETCs must also certify continued compliance with the latest edition of the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service; and

C. The company is able to function in emergency situations as contemplated by 47 CFR 54.202(a)(2).

2. A copy of the company's annual reporting information as required by 47 CFR 54.313.

3. An explanation of how the company monitors, if at all, the quality of service provided by the company for voice telephony service. This explanation shall include whether the company monitors the timeliness of providing service and remedying out-of-service conditions. The company shall provide results of its most recent consecutive three (3) months of quality of service measurements, if available.

4. Identify the applicable study area code(s) of the company's high-cost service area in Missouri.

(C) An ETC may ensure confidentiality by classifying the filing as confidential.

(4) ETC Compliance.

(A) ETCs shall maintain full compliance with all ETC requirements identified in this chapter and in 47 CFR 54. ETCs shall also

comply with the laws, rules, and procedures for other states in which they are an ETC, the state administrators in states in which they are an ETC, FUSFA, and the FCC.

(B) Formal action to address ETC compliance issues may be initiated by a motion, complaint, or by the commission. The commission may issue an order directing an ETC to show cause why corrective action should not be taken against it. During the course of the investigation, the commission may provisionally suspend state funding and/or may recommend provisional suspension of federal funding to the carrier. If the carrier is ultimately cleared of all compliance issues the commission may restore state funding and/or recommend restoring federal funding to which the ETC was entitled.

(C) Formal action to address ETC compliance issues may result in any or all of the following actions against the carrier at the discretion of the commission:

1. Penalty assessment;

2. Rescind ETC designation;

3. Suspend future state funding and/or recommend suspension of future federal funding for the Lifeline and/or Disabled Programs; and

4. Application of special conditions or requirements for continued participation in the Lifeline and/or Disabled Programs.

(D) The commission may grant a waiver of or variance from any provision of 4 CSR 240-31.010 through 4 CSR 240-31.130 for good cause, upon request or upon its own motion. A party wishing to obtain a waiver or variance shall file an application with the commission setting out the reason for its request.

AUTHORITY: section 392.200.2, RSMo Supp. 2012, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 7, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twenty-one thousand six hundred dollars (\$21,600) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. TX-2012-0324. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for October 21, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**FISCAL NOTE
PRIVATE COST**

I. Department Title: 4
Division Title: 240
Chapter Title: 31

Rule Number and Title:	4 CSR 240-31.130 Eligible Telecommunications Carrier Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
12	Wireless companies with Lifeline-only ETC status	\$21,600

III. WORKSHEET

One wireless Eligible Telecommunications Carrier (ETC) status suggests the annual filing proposed by 4 CSR 240-31.130(3) will increase company costs beyond \$500 in the aggregate. This annual filing is not anticipated to be burdensome. Landline telecommunications companies and ETCs receiving high-cost support already provide most of the requested information either through the filing of an annual report or through the annual USF high-cost certification process. Nevertheless, the submission of annual filing to the Missouri PSC will be new for wireless Lifeline-only ETCs. This fiscal note estimates the annual filing requirement of 4 CSR 240-31.130(3) may increase the costs for such existing wireless Lifeline-only ETCs by \$600 per year or \$1,800 aggregate.

8 hours * \$75 = \$600 estimated annual cost per company.

\$600 * 3 years = \$1,800 aggregate cost per company.

IV. ASSUMPTIONS

Estimated life of this rule is three years.

A company will not need legal and outside consulting services in order to comply with 4 CSR 240-31.130(3).

Compiling and submitting the annual filing may require up to 8 hours using in-house personnel. This assumption is based on a wireless ETC's feedback.

\$75/hour rate for using in-house personnel. This assumption is based on a wireless ETC's feedback.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 50—Water Utilities

PROPOSED RULE

4 CSR 240-50.050 Environmental Cost Adjustment Mechanism

PURPOSE: *This rule allows the establishment of an Environmental Cost Adjustment Mechanism (ECAM), which allows periodic rate adjustments to reflect net increases or decreases in a water utility's prudently incurred costs directly related to compliance with federal, state, or local environmental law, regulation, or rules.*

(1) **Definitions.** As used in this rule, the below listed terms are defined as follows:

(A) **ECAM** qualifying environmental costs means prudently incurred costs, both capital and expense, occurring after the later of the last day of the test year or last day of the true-up period in a water utility's most recent rate case, and which meet the following conditions:

1. Costs that are directly related to the imposition, after the later of the last day of the test year or last day of the true-up period in the company's most recent rate case, of any federal, state, or local law (including, without limitation, common law, statutes, ordinances, or regulations) pertaining to the regulation or protection of health, safety, and the environment for which compliance is required after the later of the last day of the test year or last day of the true-up period in the company's most recent rate case; or

2. Costs that are directly related to any permit, license, agreement, or order developed or issued for which compliance is required after the last day of the test year or last day of the true-up period in the company's most recent rate case in response to any federal, state, or local law (including, without limitation, common law, statutes, ordinances, or regulations) pertaining to the regulation or protection of health, safety, and the environment; or

3. Are not available for inclusion in any approved Infrastructure System Repair Surcharge as defined in 4 CSR 240-3.650; and

4. Do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility.

(B) **Environmental Cost Adjustment Mechanism (ECAM)** means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect the net increases or decreases in a water utility's ECAM qualifying environmental costs.

(C) **General rate proceeding** means a general rate proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges, of the water utility are considered by the commission.

(D) **Staff** means the staff of the Public Service Commission.

(E) **True-up year** means the twelve (12)-month period beginning on the first day of the first calendar month following the effective date of the commission order approving an ECAM unless the effective date is on the first day of the calendar month. If the effective date of the commission order approving a rate mechanism is on the first day of a calendar month, then the true-up year begins on the effective date of the commission order. The first annual true-up period shall end on the last day of the twelfth calendar month following the effective date of the commission order establishing the ECAM. Subsequent true-up years shall be the succeeding twelve (12)-month periods. If a general rate proceeding is concluded prior to the conclusion of a true-up year, the true-up year may be less than twelve (12) months.

(F) **Water utility** means a water corporation as defined in section 386.020(59), RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo.

(2) **Applications to Establish or Modify an ECAM.** Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 386.266, RSMo, only a water utility, in a general rate proceeding, may file an application with the commission to establish, modify, or discontinue an ECAM by filing tariff schedules. Any party in a general rate proceeding in which an ECAM is proposed or in effect may seek to continue, modify, support, or oppose the proposed or existing ECAM. After a full hearing in a general rate proceeding, the commission shall approve, modify, or reject the application to establish or modify an ECAM. The final approved ECAM shall be designed to permit the water utility to make periodic rate adjustments to its rate schedules outside of a general rate proceeding to reflect changes in its environmental costs as defined in subsection (1)(C).

(A) The ECAM shall be based on known and measurable ECAM Qualifying Environmental Costs.

(B) The water utility shall include in its initial notice to customers regarding the general rate case in which an ECAM is first proposed, a commission-approved description of how the water utility proposes that the ECAM would operate.

(C) The commission may take into account any change in business risk to the water utility resulting from establishment, continuation, or modification of the ECAM in setting the water utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the water utility.

(D) In determining which environmental cost components to include in an ECAM, the commission will consider, but is not limited to only considering, the magnitude of the costs, the ability of the utility to manage the costs, the incentive provided to the utility as a result of the inclusion or exclusion of the cost, and the extent to which the cost is related to environmental compliance.

(E) The commission may, in its discretion, determine what portion of prudently incurred environmental costs may be recovered in an ECAM and what portion shall be recovered in base rates.

(F) If costs are requested to be recovered through the ECAM and the revenue to be collected in the ECAM rate schedules exceeds two and one-half percent (2.5%) of the water utility's Missouri annual gross jurisdictional revenues, the water utility cannot subsequently request that any cost identified as an environmental cost be recovered through a infrastructure system repair surcharge.

(3) **Application for Discontinuation of an ECAM.** An ECAM shall be discontinued only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect the cost or overall rates and charges of the petitioning water utility.

(A) Any party to the general rate proceeding may oppose the discontinuation of an ECAM on the grounds that the water utility is currently experiencing, or in the next four (4) years is likely to experience, declining costs or on any other grounds that would result in a detriment to the public interest. If the commission finds that the water utility is seeking to discontinue the ECAM under these circumstances, the commission shall not permit the ECAM to be discontinued, and shall order its continuation or modification. To continue or modify the ECAM under such circumstances, the commission must find that it provides the water utility a sufficient opportunity to earn a fair rate of return.

(B) The commission may take into account any change in business risk to the water utility resulting from discontinuance of the ECAM in setting the water utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the water utility.

(C) The water utility shall include in its initial notice to customers regarding the general rate case, a commission-approved description of why it believes the ECAM should be discontinued.

(D) Subsections (2)(C) through (2)(F) shall apply to any proposal for continuation or modification.

(4) Periodic Adjustments of ECAMs. If a water utility files proposed rate schedules to establish or adjust its ECAM rates between general rate proceedings, the staff shall examine and analyze the information filed by the water utility and additional information obtained through discovery, if any, to determine if the proposed ECAM rate adjustment is in accordance with the provisions of this rule, section 386.266, RSMo, and the ECAM established in the water utility's most recent general rate proceeding.

(A) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the water utility files its tariff schedules to adjust its ECAM rates.

1. If the staff determines that the ECAM rate adjustment is in accordance with the provisions of the rule, section 386.266, RSMo, and the ECAM established in the water utility's most recent general rate proceeding, the commission shall either—

A. Issue an interim rate adjustment order approving the tariff schedules and the ECAM rate adjustments within sixty (60) days of the water utility's filing; or

B. If no such order is issued, the tariff schedules and ECAM rate adjustments shall take effect sixty (60) days after the tariff schedules were filed.

2. If the staff determines that the ECAM rate adjustment is not in accordance with the provisions of this rule, section 386.266, RSMo, or the ECAM established in the water utility's most recent rate proceeding and the water utility agrees with the staff's determination, the commission shall reject the rate schedules proposed in the water utility's filing and shall instead order implementation of appropriate tariff schedules and ECAM rate adjustments taking into consideration staff's determinations, with the tariff schedules and ECAM rate adjustments to be effective within sixty (60) days after the tariff schedules were filed.

3. If the staff determines that the ECAM rate adjustment is not in accordance with the provisions of this rule, section 386.266, RSMo, and the ECAM established in the water utility's most recent general rate proceeding and the water utility disagrees with the staff's determination, the commission shall reject the rate schedules proposed in the water utility's filing, order implementation of an appropriate interim ECAM rate schedule and shall schedule an evidentiary hearing to be held within sixty (60) days after the tariff schedules were filed. After conclusion of the evidentiary hearing, the commission shall either—

A. Issue a rate adjustment order approving the tariff schedules as filed; or

B. Reject the proposed rate schedules of the water utility's filing and shall instead order implementation of an appropriate rate schedule taking into consideration evidence presented in the evidentiary hearing to be effective within ninety (90) days after the tariff schedules were filed.

(B) The ECAM rate adjustment shall reflect a comprehensive measurement of changes in revenue requirement due to any federal, state, or local laws, permits, licenses, agreements, or orders that impact ECAM qualifying environmental costs as defined in subsection (1)(A) in either a positive or negative manner.

(C) The periodic adjustment shall reflect a comprehensive measurement of both increases and decreases to any ECAM qualifying environmental costs incurred since the previous ECAM filing.

(D) Any periodic adjustment made to ECAM rate schedules shall not generate an annual amount of general revenue that exceeds two and one-half percent (2.5%) of the water utility's Missouri gross jurisdictional revenues established in the water utility's most recent general rate proceeding.

1. Missouri gross jurisdictional revenues shall be the amount established in the water utility's most recent general rate proceeding and shall exclude gross receipts tax, sales tax, and other similar pass-through taxes not included in tariffed rates for regulated services;

2. The water utility shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes and

such taxes shall not be counted against the two and one-half percent (2.5%) rate adjustment cap; and

3. Any environmental costs, to the extent addressed by the ECAM, not recovered as a result of the two and one-half percent (2.5%) limitation on rate adjustments, including depreciation and property taxes related to capital investments, may be deferred at a carrying cost each month equal to the water utility's net of tax cost of capital, for recovery in a subsequent ECAM periodic adjustment or in the water utility's next general rate proceeding.

(E) A water utility with an ECAM shall file one (1) mandatory adjustment to its ECAM in each true-up year coinciding with the true-up of its ECAM. It may also file one (1) additional adjustment to its ECAM within a true-up year.

(F) The water utility shall be current on its submission of its Surveillance Monitoring Reports as required in section (9) of this rule in order for the commission to process the water utility's requested ECAM adjustment increasing rates.

(G) If the staff, Office of the Public Counsel (OPC), or other party has not received information required by commission rule or order, it shall notify the water utility within ten (10) days of the water utility's filing of an application or tariff schedules to adjust the ECAM rates and identify the information required. The water utility, within ten (10) days of the request, shall supply the information identified by the party, or shall notify the party that, in its opinion, the information provided was in compliance.

(H) If the water utility does not supply the information in a timely manner, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel, the processing time line for the adjustment to increase ECAM rates shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing time line for the adjustment to increase ECAM rates. For good cause shown the commission may further suspend this timeline.

(5) True-ups of an ECAM. A water utility that files for an ECAM shall include in its tariff schedules and application, if filed in addition to tariff schedules, provisions for true-ups on at least an annual basis that shall accurately and appropriately remedy any over-collection or under-collection through subsequent rate adjustments or refunds.

(A) The subsequent true-up rate adjustments or refunds shall include interest at the water utility's short-term borrowing rate. The interest rate on accumulated ECAM under-collections or over-collections shall be calculated on a monthly basis for each month the ECAM rate is in effect, equal to the weighted average interest rate paid by the water utility on short-term debt for that calendar month. This rate shall then be applied to a simple average of the same month's beginning and ending cumulative ECAM over-collection or under-collection balance. Each month's accumulated interest shall be included in the ECAM over-collection or under-collection balances on an ongoing basis.

(B) The true-up adjustment shall be the difference between the revenue collected and the revenue authorized for collection during the true-up period and billed revenues associated with the ECAM during the true-up period.

(C) The water utility shall be current on its submission of its Surveillance Monitoring Reports as required in section (9) of this rule at the time that it files its application for a true-up of its ECAM in order for the commission to process the water utility's requested annual true-up of any under-collection.

(D) The staff shall examine and analyze the information filed and additional information obtained through discovery, to determine whether the true-up is in accordance with the provisions of this rule, section 386.266, RSMo, and the ECAM established in the water utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the water utility files its

tariff schedules for a true-up. The commission shall either issue an order deciding the true-up within sixty (60) days of the water utility's filing, suspend the timeline of the true-up in order to receive additional evidence and hold a hearing if needed, or, if no such order is issued, the tariff schedules and the ECAM rate adjustments shall take effect by operation of law sixty (60) days after the water utility's filing.

1. If the staff, OPC, or other party has not received information required by commission rule or order, it shall notify the water utility within ten (10) days of the water utility's filing of an application or tariff schedules to adjust the ECAM rates and identify the information required. The water utility, within ten (10) days of the request, shall supply the information identified by the party, or shall notify the party that, in its opinion, the information provided was in compliance.

2. If the water utility does not supply the information in a timely manner, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel, the processing time line for the adjustment to increase ECAM rates shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing time line for the adjustment to increase ECAM rates. For good cause shown the commission may further suspend this timeline.

3. If the party asserting the information is not being provided can demonstrate to the commission that the adjustment shall result in a reduction in the ECAM rates, the processing timeline shall continue with the best information available. When the water utility provides the necessary information, the ECAM shall be adjusted again, if necessary, to reflect the additional information provided by the water utility.

(6) Duration of ECAMs and Requirement for General Rate Case. Once an ECAM is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission earlier authorizes its modification, extension, or discontinuance in a general rate proceeding.

(A) A water utility may submit proposed rate schedules to implement periodic adjustments to its ECAM rate between general rate proceedings.

(B) If an ECAM expires due to the four (4) year limitation, a water utility is not prohibited from requesting establishment of a new ECAM in connection with a subsequent rate case.

(C) If the commission approves an ECAM for a water utility, the water utility must file a general rate case with the effective date of new rates to be no later than four (4) years after the effective date of the commission order implementing the ECAM, assuming the maximum statutory suspension of the rates so filed.

1. The four (4)-year period shall not include any periods in which the water utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the ECAM must be fully refunded. In the event a court determines that the ECAM is unlawful and all moneys collected are fully refunded as a result of such a decision, the water utility shall be relieved of any obligation to file a rate case. The term fully refunded as used in this section does not include amounts refunded as a result of reductions in net environmental compliance costs or prudence adjustments.

2. At the time of the filing of the general rate case described above, the water utility shall file revised ECAM rate schedules to reset the ECAM to zero when new base rates and charges become effective following a commission order establishing customer rates in the general rate proceeding that incorporates eligible costs previously reflected in an ECAM into the water utility's base rates. If an over or under recovery of ECAM revenues, including any commission ordered refunds, exists after the ECAM has been reset to zero, the

amount of over or under recovery shall be tracked in an account and considered in the water utility's next ECAM filing.

(7) Prudence Reviews Respecting an ECAM. A prudence review of the costs subject to the ECAM shall be conducted no less frequently than at eighteen (18)-month intervals.

(A) All amounts ordered refunded by the commission shall include interest at the water utility's short-term borrowing rate. The interest shall be calculated on a monthly basis in the same manner as described in subsection (5)(A) of this rule.

(B) Staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for each ECAM shall be established in the general rate proceeding in which the ECAM is established. Staff shall file notice within ten (10) days of starting its prudence audit. The commission shall issue an order not later than two hundred ten (210) days after staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of staff's commencement of its prudence audit, a request for hearing.

1. If staff, OPC, or other party auditing the ECAM determines that insufficient information has been supplied to make a recommendation regarding the prudence of the water utility's ECAM qualifying environmental costs, it may utilize discovery to obtain the information it seeks.

2. If the water utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown, the commission may further suspend the timeline.

3. The water utility shall refund all imprudently incurred costs plus interest at the water utility's short-term borrowing rate, even if the timeline is extended due to a water utility's failure to timely provide sufficient responses to discovery, and a refund is due to the customers. The interest shall be calculated on a monthly basis in the same manner as described in subsection (5)(A) of this rule.

(8) Disclosure on Customers' Bills. Any amounts charged under an ECAM approved by the commission shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to the commission for the commission's approval.

(9) Submission of Surveillance Monitoring Reports. Each water utility, with more than eight thousand (8,000) customers, with an approved ECAM shall submit to staff, OPC and parties approved by the commission in the previous general rate proceeding granting an ECAM a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.162(6).

(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days after the water utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing following the effective date of the commission order establishing the ECAM and within fifteen (15) days after each subsequent SEC 10-Q or 10-K filing.

(B) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.162(6), after notice and an opportunity for a hearing, the commission may suspend an ECAM or order other appropriate remedies as provided by law.

(10) Pre-Existing Adjustment Mechanisms, Tariffs, and Regulatory Plans. The provisions of this rule shall not affect the following:

(A) Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and

(B) Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.

(11) Nothing in this rule shall preclude a complaint case from being filed, as provided by law, on the grounds that a utility is earning more than a fair return on equity due to an approved ECAM, nor shall a water utility be permitted to use the existence of its ECAM as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity. If a complaint is filed on the grounds that a utility is earning more than a fair return on equity, the commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed.

(12) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause shown after an opportunity for hearing.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000, and section 386.266, RSMo Supp. 2012. Original rule filed Aug. 15, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. WX-2013-0448. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for October 24, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities. The commission is amending section (4).

PURPOSE: This amendment clarifies the time allowed for inspections to occur after a purchase and delivery of a manufactured home and adds the requirement of notification to the commission of the property locator.

(4) The commission shall not discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale./J, subject to the following, effective the first day of the month after the effective date of this amendment:

(A) The director will have a period of one (1) year from the date the dealer reports the delivery of the home to the consumer within which to conduct the initial inspection of the home setup. If the delivery is not reported by the dealer to the commission, the one (1) year period for initial inspection will run from the date the commission becomes aware of the delivery;

(B) After the one (1) year period has passed and within two (2) years of the delivery date of the home to the consumer, the director may conduct an inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer;

(C) Dealers shall submit to the commission a property locator indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The property locator form will be provided by the commission;

(D) The commission may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator by the due date; and

(E) The commission shall assess a two hundred dollar (\$200) inspection fee to dealers who hire unlicensed installers to set up a home.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.085 Re-Inspection Fee. The commission is amending sections (1), (2), (3), (4), (5), (6), (8), (9), (10), and (11).

PURPOSE: This amendment adds installer requirements and clarifies provisions related to re-inspections and third party inspection.

(1) The commission may conduct as needed re-inspections of new manufactured homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer, **installer**, or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.

(2) The commission may *[charge]* assess the dealer, **installer**, or the manufacturer, or *[both]* **each entity**, a fee for the re-inspection. The fee is charged to the dealer, **installer**, or the manufacturer who was responsible for making the corrections*, or both where both were responsible, when items are not completed]* and completing the corrections in a timely manner as required in section (1).

(3) *[If recommended by the director, t]The commission [may waive the] will not assess a re-inspection fee [for either] to the dealer, installer, or the manufacturer*, or both]* if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of Part 3280 of the *Manufactured Home Construction and Safety Standards Code*.*

(4) The re-inspection shall address all violations listed in the original consumer inspection report. A copy of the report shall be forwarded to the manufacturer, **installer**, or dealer, *[or both]* **or each responsible entity**, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.

(5) The manufacturer, **installer**, and *[the]* dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.

(6) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer, **installer**, and *[each]* dealer shall submit, along with the fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified and corrections shall be completed within thirty (30) days of the re-inspection.

(8) The commission shall send written notification to each licensed manufacturer, **installer**, and *[each licensed]* dealer giving the effective date of the rule.

(9) The fee shall be two hundred dollars (\$200) per *[inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The fee shall be two hundred dollars (\$200) per inspection to be paid by the dealer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The total fee shall not exceed four hundred dollars (\$400) per inspection and shall only be paid by the manufacturer or dealer, or both, who has failed*

to make the applicable corrections in a timely manner.] re-inspection as outlined in section (1) to be paid by the manufacturer, dealer, or installer responsible for making the correction as identified in the original inspection report. The fee shall be submitted with a form provided by the commission. The commission shall make the determination of who shall be assessed the fee.

(10) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections*.]* **except third party inspection requests for the purpose of serial number verification will be charged two hundred dollars (\$200).** Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.

(11) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer, **installer**, or dealer certificate of registration:

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending sections (3), (4), and (8).

PURPOSE: This amendment sets forth the fee the Missouri Public Service Commission can assess and clarifies information to be included in monthly sales reports filed by registered manufactured home dealers.

(3) The director may reject all monthly sales reports that are incomplete and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(4) Failure to submit a completed monthly report by the due date and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section 700.090, RSMo.

(8) Every monthly sales report shall contain the following information:

- (K) The total sale price for all new units; *[and]*
- (L) The total sale price for all used units~~./.~~; and
- (M) The name and license number of the installer of the new manufactured home (HUD homes).

AUTHORITY: section 700.~~1460~~040, RSMo [1994] 2000. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities. The commission is adding a new section (5), and renumbering sections (5) and (6).

PURPOSE: This amendment clarifies the time allowed for initial inspections to occur after a delivery of a manufactured home and adds the requirement of notification to the commission of the property locator.

(5) For dealers selling residential one (1) and two (2) family modular units built pursuant to the International Residential Code (IRC) to consumers: Effective the first day of the month following the effective date of this amendment, the director will have a period of one (1) year from the date the dealer reports to the commission the delivery of the home to the consumer within which to conduct the initial inspection of the home setup. If the delivery is not reported by the dealer to the commission, the one (1) year will run from the date the commission becomes aware of the delivery.

(A) After the one (1) year period has passed and within two (2) years of the delivery date of the home to the consumer, the director may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

(B) Dealers shall submit to the commission a property locator indicating the destination of the residential modular unit(s) within forty-eight (48) hours of the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section residential modular units the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The property locator form will be provided by the commission.

(C) The commission may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator by the due date.

(5)(6) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

(6)(7) Every dealer of a modular unit shall provide to the purchaser at the time of sale a purchase agreement/bill of sale containing at least the following:

- (A) The purchaser name and address;
- (B) Make of the unit;
- (C) Serial number;
- (D) Date of sale;
- (E) Model and size;
- (F) The total price of the unit and its contents;
- (G) A list of all furniture and appliances in the unit;
- (H) Any other items which will be the responsibility of the purchaser such as transportation, handling, or installation/setup; and
- (I) If the unit is new or used and if the unit has incurred any damages.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at

<http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers. The commission is amending sections (3) and (4).

PURPOSE: This amendment sets forth the inspection fee the Missouri Public Service Commission, Manufactured Housing and Modular Units Program can assess dealers.

(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports. **An inspection fee of fifty dollars (\$50) per report may be assessed for each report that is submitted sixty (60) days after the due date.**

(4) Failure to submit timely and complete monthly sales reports and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.

AUTHORITY: section 700.1460.040, RSMo 2000. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.095 Re-Inspection Fee. The commission is amending sections (2), (3), and (9).

PURPOSE: This amendment clarifies provisions related to re-inspections fees.

(2) The commission may [charge] assess the dealer or the manufacturer, or both, a fee for the re-inspection. The fee is charged to the dealer or the manufacturer who was responsible for making the corrections, or both where both were responsible, when items are not completed in a timely manner as required in section (1).

(3) *[If recommended by the director, t]*The commission *[may waive the]* will not assess a re-inspection fee *[for either]* to the dealer or the manufacturer, or both, if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of the *International Building Code* or the *International Residential Code* as adopted by the commission.

(9) The fee shall be two hundred dollars (\$200) *[per inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The fee shall be two hundred dollars (\$200) per inspection to be paid by the dealer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The total fee shall not exceed four hundred dollars (\$400) per inspection and shall only be paid by the manufacturer or dealer, or both, who has failed to make the applicable corrections in a timely manner.]* per re-inspection as outlined in section (1) to be paid by the manufacturer, dealer, or installer responsible for making the correction as identified in the original inspection report. The fee shall be submitted with a form provided by the commission. The commission shall make the determination of who shall be assessed the fee.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October

16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers

PROPOSED AMENDMENT

4 CSR 240-125.010 Definitions. The commission is amending the purpose, section (8), adding a new section (24), and renumbering section (24).

PURPOSE: This amendment clarifies a term and adds a new term to the definitions.

PURPOSE: This rule defines various terms as used in this chapter[.] and in chapters 120, 123, and 125.

(8) **Dealer** is any person, other than a manufacturer, who sells or offers for sale four (4) or more **used** manufactured homes **or one (1) or more new manufactured homes or modular units** in any consecutive twelve (12)-month period or as otherwise defined in section 700.010, RSMo.

(24) **Primary Installer** is the licensed installer who is responsible for the initial installation of the home to include ensuring the home site is properly prepared, ensuring the foundation and/or piers meet the applicable standards before setting the home on the site, and placing the installation decal and sign-off portion of the decal on the home.

[(24)](25) Program means Title VI of P.L. 106-569 and any federal regulations promulgated thereunder and as may be amended.

AUTHORITY: section 700.692, RSMo Supp. [2004] 2012. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October

16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers

PROPOSED AMENDMENT

4 CSR 240-125.040 Manufactured Home Installer License. The commission is amending subsection (2)(A).

PURPOSE: This amendment clarifies and adds responsibilities for manufactured home installers.

(2) Installer Responsibilities and Limits.

(A) Work covered by an installer licensee shall include but not be limited to the following:

1. Installing manufactured home underfloor vapor retarder as required by the manufacturer's installation manual for proper ventilation and access;
2. Installing the support, tie-down, anchoring and the structural connections **and roof installation** for manufactured homes;
3. Providing plumbing and electrical utility connections unless they are regulated by local jurisdictions;
4. Providing plumbing, electrical and mechanical cross-over, appliance and fixture connections of and to the manufactured home, as permitted by these requirements;
5. Assuring that all appliance exhaust ducts are roughed in and terminations are complete when required;
6. Closing and securing all access panels and covers on or under the manufactured home;
7. Assuring all doors and windows are adjusted, secured in place, and operational;
8. Assuring all shipped loose flue vents and chimneys are installed, secured in place, and capped according to the manufacturer's installation manual;
9. Where the installer also installs the skirting, complying with skirting requirements to ensure proper ventilation;
10. Affixing the installation decal to each manufactured home;
11. Completing all reporting and application forms required by the program;
12. Leaving the manufacturer's installation manual at the installation site;
13. Assuring that all portions of the manufactured home installation are in compliance with the manufacturer's installation manual; **[and]**
14. Correcting all applicable nonconformances within thirty (30) days of receipt of a correction notice from the commission[.];
15. **Each Primary Installer shall be responsible for ensuring the site and foundation are correct before setting the home on the site or foundation. If the home is not correctly set on the site or**

foundation, the primary installer shall be responsible for making corrections to the site or foundation, pursuant to sections 700.010(5), RSMo, and (15) and 4 CSR 240-125.010(12) and (13); and

16. Primary Installers who install new homes in Missouri from dealers, manufacturers or other entities located in other states shall submit a property locator to the commission prior to placing the home on the site. Failure to submit the property locator to the commission prior to placing the home on the site may subject the installer to the fifty dollar (\$50) inspection fee as defined in 4 CSR 240-120.065(4)(D).

AUTHORITY: section 700.692, RSMo Supp. [2004] 2012. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.070 Installation Decals. The commission is amending sections (1) and (3).

PURPOSE: This amendment clarifies installation decal requirements and associated reporting requirements and fees for manufactured home installers.

(1) Requirements for Installation Decals.

(A) An installation decal issued by the commission shall be a permanent stick-on decal to be attached to the exterior of the home and shall also include a sign-off [sticker] portion of the decal, which must be attached next to the data plate inside the home with the initials and license number of each installer involved with the setup and installation of the home.

(B) The [licensed manufactured home installer (installing manufactured homes)] primary installer who is responsible for the initial installation and setup of the manufactured home which includes [all or] site preparation and foundation and any portion of the blocking, leveling, or roof [setup or] installation [capping] is responsible for affixing the installation decal and the sign-off [sticker] portion of the decal to the manufactured home upon completion of [the installation] blocking, leveling, or roof installation.

(E) Only licensed installers may be issued installation decals by the commission and decals shall be affixed only by licensed installers upon completion of the [installation] blocking and leveling.

(3) Monthly Installation Decal Report.

(B) The report [must] shall be filed on the commission's Installation Decal Report Form. The forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(C) The director may reject all monthly reports that are incomplete[,] and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(D) Failure to submit a completed monthly report by the due date or failure to pay any required fees could result in suspension or revocation of the installer's license.

(E) A report [must] shall be filed for each month or part of the month for which the installer is licensed. If no decals are placed or installed in a given month, the installer [must] shall file the usual form no later than the tenth of the following month.

(F) The licensed installer or a representative of the licensed installer [must] shall sign the report.

(I) Primary Installers who fail to attach the installation decal and/or the sign-off portion of the decal to the home immediately after the completion of the blocking and leveling of the home will be subject to a two hundred dollar (\$200) inspection fee. The fee shall be paid and submitted to the commission within ten (10) days after notification by the director.

AUTHORITY: section 700.692, RSMo Supp. [2004] 2012. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to Commission Case No. MX-2013-0432. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri

Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 14—Approval of Accrediting Organizations for
Crime Laboratories

PROPOSED RULE

11 CSR 30-14.010 Approval of Accrediting Organizations for
Crime Laboratories

PURPOSE: This rule identifies the process and criteria used to approve organizations that accredit crime laboratories that provide reports or testimony in state court pertaining to the forensic analysis of evidence. The department is required to promulgate a rule identifying approved accrediting bodies and establish procedures for the monitoring of crime laboratory compliance with the approved accrediting bodies under section 650.060.4, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) "Approved accrediting organization" means an organization that—

(A) Complies with ISO/IEC 17011 "Conformity assessment—general requirements for accreditation bodies accrediting conformity assessment bodies"; and

(B) Accredits crime laboratories—

1. To the standards established in ISO/IEC 17205 "General requirements for the competence of testing and calibration laboratories"; and

2. To any supplemental forensic science standards adopted by the organization.

(2) The list of approved accrediting organizations, which is incorporated by reference, may be obtained by making a request for the printed list published by the Missouri Department of Public Safety on December 21, 2012 to the Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102 or by going online at www.dps.mo.gov. The list of approved accrediting organizations does not include any later amendments or additions.

(3) "Crime laboratory" means a laboratory operated or supported financially by the state or any unit of city, county, or other local Missouri government that employs at least one (1) scientist who examines physical evidence in criminal matters and provides expert or opinion testimony with respect to such physical evidence in a state court of law.

(4) Each crime laboratory shall submit documentation annually, no later than December 31, to the department verifying its accreditation status with an approved accrediting organization. That documentation shall consist of the following:

(A) A copy of the current certificate of accreditation issued by an approved accrediting organization; and

(B) Any periodic letters or assessment reports, issued by an approved accrediting organization, confirming conformance with its standards and confirming the accreditation status of the crime laboratory.

AUTHORITY: sections 650.060 and 650.100, RSMo Supp. 2012. Emergency rule filed Jan. 8, 2013, effective Jan. 18, 2013, expired July 16, 2013. Original rule filed Aug. 8, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Public Safety, Director's Office, attention Darla Iven, PO Box 749, Jefferson City, MO 65102 or to Darla.iven@dps.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and
Independent Candidate Petition Rules

PROPOSED RULE

15 CSR 30-15.030 Initiative, Referendum, New Party and
Independent Candidate Petitions Missouri Voter Registration
System Option

PURPOSE: The purpose of this rule is to clarify that local election authorities have the option to use the centralized Missouri Voter Registration System (MCVR) for initiative, referendum, new party, and independent candidate petition signature verification as allowed under Chapters 115 and 116, RSMo. MCVR is the official statewide voter registration list which was created and implemented as part of the Help America Vote Act of 2002. This system is maintained and administered by the Office of the Secretary of State and contains the name and registration information of every legally registered Missouri voter. It serves as the official voter registration list for the conduct of all elections in Missouri and allows local election authorities immediate real-time electronic access to the information contained in the system. Currently, local election authorities may use this system for petition signature verification as authorized by Chapter 115, RSMo. The secretary of state may make rules to ensure uniform, complete, and accurate checking of initiative and referendum petition signatures.

(1) Each local election authority has the option to comply with the requirements of 15 CSR 30-15.010 and 15 CSR 30-15.020 through the centralized Missouri Voter Registration System (MCVR). Each local election authority shall certify to the secretary of state by means of petition processing summary reports generated by the software provided by the secretary of state as part of the Missouri Voter Registration System authorized by section 115.158, RSMo, the total of each category enumerated in 15 CSR 30-15.020(1) less the number of duplicate, but otherwise qualified, signatures in 15 CSR 30-15.020(2).

AUTHORITY: sections 115.335.7, RSMo 2000, and section 116.130.5, RSMo Supp. 2012. Original rule filed Aug. 14, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, c/o Dee Dee Straub, 600 West Main St., Jefferson City, MO 65101 or by email at deedee.straub@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects**
Chapter 2—Code of Professional Conduct

PROPOSED AMENDMENT

20 CSR 2030-2.040 Standard of Care when Evaluating Criteria for Building Design. The board is proposing to amend the title, purpose statement, and section (1).

PURPOSE: This amendment changes its title from *Standard of Care to Standard of Care when Evaluating Criteria for Building Design and to delete reference to Section 107 of the 2012 edition of the International Building Code.*

PURPOSE: This rule provides the recipient and producer of professional architectural, engineering, and/or landscape architectural services assurances that all services are evaluated in accordance with the 2012 edition of the International Building Code, Section 107].

(1) **For building design, [T]he board shall use, in the absence of any local building code, [Section 107 only of] the 2012 edition of the International Building Code, [not including or applying any other sections referenced within Section 107,] as the [standard of care] evaluation criteria in determining the appropriate conduct for any professional licensed or regulated by this chapter and being evaluated under section 327.441.2.(5), RSMo. The International Code Council, 2012 Edition is incorporated herein by reference and may be obtained by contacting 500 New Jersey Ave NW, 6th Floor, Washington, DC 20001, by phone at (888) ICC-SAFE (422-7233), by fax at (202) 783-2348, or by their direct website at <http://www.iccsafe.org>. This rule does not incorporate any subsequent amendments or additions to the manual.**

AUTHORITY: section 327.041, RSMo Supp. [2011] 2012. Original rule filed June 14, 2007, effective Dec. 30, 2007. Amended: Filed July 22, 2009, effective Jan. 30, 2010. Amended: Filed Nov. 1, 2011, effective May 30, 2012. Amended: Filed Aug. 8, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects**
Chapter 2—Code of Professional Conduct

PROPOSED AMENDMENT

20 CSR 2030-2.050 Title Block. The board is proposing to amend the purpose statement and section (1).

PURPOSE: This amendment deletes the reference to “other documents” and provides more clarity by listing the specific documents which shall contain a title block. It also adds land surveying to the purpose statement.

PURPOSE: This rule clarifies the identity of the client and entity preparing and sealing all architectural, engineering, land surveying, and/or landscape architectural documents.

(1) An architectural, engineering, land surveying, or landscape architectural entity shall incorporate a title block on all drawings [and other documents], exhibits, plans, plats, maps, and surveys that are required to be signed and sealed by Chapter 327, RSMo, and these regulations.

AUTHORITY: sections 327.041 and 327.411, RSMo Supp. [2011] 2012. Original rule filed June 14, 2007, effective Dec. 30, 2007. Amended: Filed Nov. 1, 2011, effective May 30, 2012. Amended: Filed Aug. 8, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects**
Chapter 2—Code of Professional Conduct

PROPOSED RULE

20 CSR 2030-2.060 Guidelines for Acceptable Standard of Care

PURPOSE: This rule establishes guidelines to be followed by architects, engineers, land surveyors, and/or landscape architects to help ensure that the professional services they perform meet an acceptable standard of care.

(1) In performing professional services, a professional licensed under Chapter 327, RSMo, has the duty to perform those services within an acceptable "Standard of Care." In order to meet this "Standard of Care," the professional licensed under Chapter 327, RSMo, shall meet the following guidelines:

(A) Possess and apply the required degree of learning, skills, and experience that is ordinarily possessed by similarly positioned licensed professionals in Missouri;

(B) Use reasonable, ordinary, and customary care and diligence in the exercise of the skills necessary to accomplish the professional service; and

(C) Use good, sound judgment in performing the professional service.

AUTHORITY: section 327.041, RSMo Supp. 2012. Original rule filed Aug. 8, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2013 (38 MoReg 1160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before October 15, 2013.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** kathy.hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy Hatfield, Motor Carrier Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2012, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #107

Renewal Applicant's Name & Age: Craig A. Thorn, 52

Relevant Physical Condition: ITDM Impairment - Insulin Treated Diabetes Mellitus.

Mr. Thorn has insulin treated diabetes mellitus. He has been on insulin for his diabetes for approximately two (2) years and his diabetes is under control.

Relevant Driving Experience: Mr. Thorn has a Class A CDL, and is currently employed as a driver for a trucking company and has approximately twenty-two (22) years of commercial motor vehicle driving experience. In addition, he drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: One recorded accident in 2011, unrelated to his diabetes and no violations within the previous three (3) years.

Application #121

Renewal Applicant's Name & Age: Shawn L. Collins, 36

Relevant Physical Condition: Vision Impairment - Right eye amblyopia (lazy eye).

Mr. Collins has uncorrected visual acuity of 20/20 Snellen in his left eye and uncorrected 20/60 in his right eye. He has had amblyopia since birth.

Relevant Driving Experience: Mr. Collins has been driving a CMV with his Class B CDL for ten (10) years. In addition, he drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2013, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #128

New Applicant's Name & Age: Tony L. Claxton, 63

Relevant Physical Condition: ITDM Impairment – Insulin Treated Diabetes Mellitus.

Mr. Claxton has insulin treated diabetes mellitus. He has been an insulin treated diabetic since 2009 and his diabetes is under control.

Relevant Driving Experience: Mr. Claxton has a Class E license and intends to drive a school bus. He is in the process of obtaining his CDL. He has one (1) year of experience driving a Class E commercial motor vehicle and drives his personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #156

New Applicant's Name & Age: Donald F. Schwartz, 54

Relevant Physical Condition: ITDM Impairment – Insulin Treated Diabetes Mellitus.

Mr. Schwartz has insulin treated diabetes mellitus. He has been an insulin treated diabetic since 1970 and his diabetes is under control.

Relevant Driving Experience: Mr. Schwartz has a Class A CDL and has twenty-four (24) years of commercial motor vehicle driving experience. He is currently employed to operate both combination and straight trucks. He drives his personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #137

Renewal Applicant's Name & Age: Bryan L. Tanner, 38

Relevant Physical Condition: Vision Impairment – Left eye amblyopia (lazy eye).

Mr. Tanner has corrected visual acuity of 20/20 in his right eye and uncorrected visual acuity of 20/400 in his left eye. He has had amblyopia in his left eye since birth.

Relevant Driving Experience: Mr. Tanner has a Class E license and has sixteen (16) years of commercial motor vehicle driving experience. He is currently employed to operate a bucket truck for a communication company. He drives his personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2013, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #157

Renewal Applicant's Name & Age: Dennis R. Conner Jr., 41

Relevant Physical Condition: Vision Impairment – Right eye missing.

Mr. Conner has uncorrected visual acuity of 20/20 in his left eye and is missing his right eye. He lost his right eye due to cancer when he was six (6) years old.

Relevant Driving Experience: Mr. Conner has a Class A CDL license and has twenty (20) years of commercial motor vehicle driving experience. He is currently employed to operate heavy equipment, straight and combination trucks. He drives his personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2013, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 15, 2013

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**ADDITION TO STATUTORY LIST OF CONTRACTORS
BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
David E. Mollohan d/b/a M & D Excavating Case No. 11WCR-00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014

Dated this 28 th day of January, 2013.



Robert A. Bedell, Acting Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF LIMITED LIABILITY COMPANY DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST FOREVER SCRUBBS, LLC

On August 13, 2013 Forever Scrubbs, LLC, a Missouri Limited liability company filed a Notice of Winding Up for the Limited Liability company with the Missouri Secretary of State

Notice is hereby given that all claims against the Company should be presented in writing and sent to the company at the following mailing address:

SHARELL SCOTT
3224 HAAS AVE
BRIDGETON, MO 63044

Thee claim must contain: (1) the name address and telephone number of the claimant; (2) the amount of the claim; (3) the basis for the claim, and (4) documentation of the claim.

Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST CAPLAN, L.L.C.

On August 5, 2013, Caplan, L.L.C., filed Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against Caplan, L.L.C., must be submitted to Rick J. Muenks, Attorney at Law, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Claims must include name and address of claimant; amount of claim; basis of claim; and documentation of claim. By law, proceedings are barred unless commenced against the LLC within three years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST ARETESOFTCONS LLC

AreteSoftCons LLC was dissolved on the 5th day of August, 2013. Any and all claims against AreteSoftCons LLC may be sent to Mohan Dnyaneshwar Kotwal, 3111 Izabella Court, Frisco, TX 75033. Each claim should include the following: the name, address and telephone number of the claimant; the amount of the claim; and the basis of the claim. Any and all claims against AreteSoftCons LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the date of this publication.

Notice of Dissolution of Limited Liability Company to All Creditors and Claimants Against
Bella Condominiums, LLC

On August 2, 2013, Bella Condominiums, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against the company may be mailed to Bella Condominiums, c/o Christina DiGirolamo, Berkowitz Oliver, 2600 Grand Blvd., Ste. 1200, KC, MO 64108. Each claim must include: name, address and phone number of claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION

TO: ALL CREDITORS OF AND CLAIMANTS AGAINST HYPERBOLIC OXYGEN OF KANSAS CITY AND THE WOUND HEALING CENTER OF MID-AMERICA, INC.

On August 2, 2013, Hyperbolic Oxygen of Kansas City and the Wound Healing Center of Mid-America, Inc. filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against Hyperbolic Oxygen of Kansas City and the Wound Healing Center of Mid-America, Inc., you must submit a summary in writing of the circumstances surrounding your claim to the Corporation at 4550 Bellevue, Kansas City, MO 64111 in care of Steven J. Braun, Registered Agent for the Company. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Hyperbolic Oxygen of Kansas City and the Wound Healing Center of Mid-America, Inc. will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.020	Animal Health	38 MoReg 1360			
2 CSR 80-2.050	State Milk Board	38 MoReg 1363			
2 CSR 80-5.010	State Milk Board	38 MoReg 1363			
2 CSR 90-10	Weights and Measures				37 MoReg 1197 38 MoReg 1241
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.440	Conservation Commission	N.A.		38 MoReg 1239	
3 CSR 10-7.455	Conservation Commission	38 MoReg 1160 N.A.		This Issue	38 MoReg 212
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.570	Public Service Commission	This IssueR			
4 CSR 240-13.010	Public Service Commission	38 MoReg 1363			
4 CSR 240-13.015	Public Service Commission	38 MoReg 1364			
4 CSR 240-13.020	Public Service Commission	38 MoReg 1365			
4 CSR 240-13.025	Public Service Commission	38 MoReg 1366			
4 CSR 240-13.030	Public Service Commission	38 MoReg 1367			
4 CSR 240-13.035	Public Service Commission	38 MoReg 1368			
4 CSR 240-13.040	Public Service Commission	38 MoReg 1369			
4 CSR 240-13.045	Public Service Commission	38 MoReg 1370			
4 CSR 240-13.050	Public Service Commission	38 MoReg 1371			
4 CSR 240-13.055	Public Service Commission	38 MoReg 1375			
4 CSR 240-13.060	Public Service Commission	38 MoReg 1375			
4 CSR 240-13.070	Public Service Commission	38 MoReg 1376			
4 CSR 240-18.010	Public Service Commission	38 MoReg 1377			
4 CSR 240-31.010	Public Service Commission	This Issue			
4 CSR 240-31.020	Public Service Commission	This Issue			
4 CSR 240-31.030	Public Service Commission	This Issue			
4 CSR 240-31.040	Public Service Commission	This IssueR			
4 CSR 240-31.050	Public Service Commission	This IssueR			
4 CSR 240-31.060	Public Service Commission	This Issue			
4 CSR 240-31.065	Public Service Commission	This IssueR			
4 CSR 240-31.070	Public Service Commission	This IssueR			
4 CSR 240-31.080	Public Service Commission	This IssueR			
4 CSR 240-31.090	Public Service Commission	This Issue			
4 CSR 240-31.100	Public Service Commission	This IssueR			
4 CSR 240-31.110	Public Service Commission	This Issue			
4 CSR 240-31.120	Public Service Commission	This Issue			
4 CSR 240-31.130	Public Service Commission	This Issue			
4 CSR 240-50.050	Public Service Commission	This Issue			
4 CSR 240-120.065	Public Service Commission	This Issue			
4 CSR 240-120.085	Public Service Commission	This Issue			
4 CSR 240-120.130	Public Service Commission	This Issue			
4 CSR 240-123.065	Public Service Commission	This Issue			
4 CSR 240-123.070	Public Service Commission	This Issue			
4 CSR 240-123.095	Public Service Commission	This Issue			
4 CSR 240-125.010	Public Service Commission	This Issue			
4 CSR 240-125.040	Public Service Commission	This Issue			
4 CSR 240-125.070	Public Service Commission	This Issue			
4 CSR 265-2.068	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.035)	38 MoReg 887			
4 CSR 265-2.180	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.140)	38 MoReg 896			
4 CSR 265-2.190	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.090)	38 MoReg 894			
4 CSR 265-6.010	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.055)	38 MoReg 892			
4 CSR 265-12.020	Division of Motor Carrier and Railroad Safety	38 MoReg 881R			
4 CSR 265-12.030	Division of Motor Carrier and Railroad Safety	38 MoReg 882R			
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-100.255	Division of Learning Services	37 MoReg 1571		38 MoReg 520F	
5 CSR 20-400.125	Division of Learning Services	38 MoReg 507		38 MoReg 1239	
5 CSR 20-400.375	Division of Learning Services	38 MoReg 825			
5 CSR 20-600.110	Division of Learning Services	38 MoReg 508		38 MoReg 1239	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-3.010	Commissioner of Higher Education	38 MoReg 755		38 MoReg 1426	

Rule Changes Since UpdateSeptember 16, 2013
Vol. 38, No. 18

Rule Number	Agency	Emergency	Proposed	Order	In Addition
6 CSR 10-10.010	Commissioner of Higher Education		38 MoReg 755	38 MoReg 1426	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue
7 CSR 265-10.010	Motor Carrier and Railroad Safety		38 MoReg 882		
7 CSR 265-10.015	Motor Carrier and Railroad Safety		38 MoReg 883R		
7 CSR 265-10.015	Motor Carrier and Railroad Safety		38 MoReg 883		
7 CSR 265-10.020	Motor Carrier and Railroad Safety		38 MoReg 884R		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		38 MoReg 885R		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		38 MoReg 885		
7 CSR 265-10.030	Motor Carrier and Railroad Safety		38 MoReg 886R		
7 CSR 265-10.030	Motor Carrier and Railroad Safety		38 MoReg 886		
7 CSR 265-10.035	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.068)</i>		38 MoReg 887		
7 CSR 265-10.040	Motor Carrier and Railroad Safety		38 MoReg 888R		
7 CSR 265-10.045	Motor Carrier and Railroad Safety		38 MoReg 888		
7 CSR 265-10.050	Motor Carrier and Railroad Safety		38 MoReg 889		
7 CSR 265-10.055	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-6.010)</i>		38 MoReg 892		
7 CSR 265-10.060	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.070	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.080	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.090	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.190)</i>		38 MoReg 894		
7 CSR 265-10.100	Motor Carrier and Railroad Safety		38 MoReg 894		
7 CSR 265-10.110	Motor Carrier and Railroad Safety		38 MoReg 895R		
7 CSR 265-10.110	Motor Carrier and Railroad Safety		38 MoReg 895		
7 CSR 265-10.120	Motor Carrier and Railroad Safety		38 MoReg 896R		
7 CSR 265-10.130	Motor Carrier and Railroad Safety		38 MoReg 896		
7 CSR 265-10.140	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.180)</i>		38 MoReg 896		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-5.010	Division of Employment Security		38 MoReg 1100		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R		
10 CSR 10-5.570	Air Conservation Commission		38 MoReg 593	38 MoReg 1426	
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265		
10 CSR 10-6.040	Air Conservation Commission		38 MoReg 689		
10 CSR 10-6.060	Air Conservation Commission		38 MoReg 595	38 MoReg 1426	
10 CSR 10-6.070	Air Conservation Commission		38 MoReg 898		
10 CSR 10-6.075	Air Conservation Commission		38 MoReg 899		
10 CSR 10-6.080	Air Conservation Commission		38 MoReg 902		
10 CSR 10-6.110	Air Conservation Commission		38 MoReg 596	38 MoReg 1428	
10 CSR 10-6.130	Air Conservation Commission		38 MoReg 903		
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382		
10 CSR 10-6.345	Air Conservation Commission		38 MoReg 601R	38 MoReg 1429R	
10 CSR 10-6.390	Air Conservation Commission		38 MoReg 601	38 MoReg 1429	
10 CSR 10-6.400	Air Conservation Commission		38 MoReg 603	38 MoReg 1429	
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913		
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939		
10 CSR 23-5.010	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.020	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.030	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.040	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.050	Division of Geology and Land Survey		38 MoReg 1103		
10 CSR 23-5.060	Division of Geology and Land Survey		38 MoReg 1105		
10 CSR 23-5.070	Division of Geology and Land Survey		38 MoReg 1105		
10 CSR 23-5.080	Division of Geology and Land Survey		38 MoReg 1106		
10 CSR 26-2.062	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1160		
10 CSR 26-2.078	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1161		
10 CSR 26-2.082	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1162		
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298		
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299		
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300		
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301		
10 CSR 40-8.040	Land Reclamation Commission		38 MoReg 1301		
10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431
10 CSR 140-5.010	Division of Energy		38 MoReg 1106R		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-14.010	Office of the Director	38 MoReg 243	38 MoReg 249 This Issue		
11 CSR 30-15.010	Office of the Director	38 MoReg 1351	38 MoReg 1391		
11 CSR 45-4.260	Missouri Gaming Commission		38 MoReg 428	38 MoReg 1240	
11 CSR 45-8.010	Missouri Gaming Commission		38 MoReg 691		
11 CSR 45-8.060	Missouri Gaming Commission		38 MoReg 691		
11 CSR 45-8.090	Missouri Gaming Commission		38 MoReg 692		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 45-8.100	Missouri Gaming Commission		38 MoReg 692		
11 CSR 45-8.150	Missouri Gaming Commission		38 MoReg 692		
11 CSR 45-9.106	Missouri Gaming Commission		38 MoReg 828		
11 CSR 45-9.107	Missouri Gaming Commission		38 MoReg 693		
11 CSR 45-9.110	Missouri Gaming Commission		38 MoReg 828		
11 CSR 45-9.118	Missouri Gaming Commission		38 MoReg 828		
11 CSR 85-1.010	Veterans Affairs		38 MoReg 1163		
11 CSR 85-1.015	Veterans Affairs		38 MoReg 1163		
11 CSR 85-1.020	Veterans Affairs		38 MoReg 1164		
11 CSR 85-1.030	Veterans Affairs		38 MoReg 1164		
11 CSR 85-1.040	Veterans Affairs		38 MoReg 1165		
11 CSR 85-1.050	Veterans Affairs		38 MoReg 1165		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-32.040	Children's Division		38 MoReg 829		
13 CSR 40-2.010	Family Support Division		38 MoReg 1393		
13 CSR 40-7.010	Family Support Division		38 MoReg 1394		
13 CSR 40-7.015	Family Support Division		38 MoReg 1395		
13 CSR 40-7.020	Family Support Division		38 MoReg 1396		
13 CSR 40-7.030	Family Support Division		38 MoReg 1396		
13 CSR 40-7.040	Family Support Division		38 MoReg 1397		
13 CSR 70-10.015	MO HealthNet Division		38 MoReg 1218		
13 CSR 70-10.017	MO HealthNet Division		38 MoReg 693	38 MoReg 1429	
13 CSR 70-10.160	MO HealthNet Division		38 MoReg 1221		
13 CSR 70-15.010	MO HealthNet Division	38 MoReg 1215	38 MoReg 1222		
13 CSR 70-15.110	MO HealthNet Division	38 MoReg 1216	38 MoReg 1226		
13 CSR 70-15.160	MO HealthNet Division		38 MoReg 1232		
ELECTED OFFICIALS					
15 CSR 30-15.030	Secretary of State		This Issue		
15 CSR 30-50.010	Secretary of State		38 MoReg 835		
15 CSR 30-50.040	Secretary of State		38 MoReg 835		
15 CSR 30-52.015	Secretary of State		38 MoReg 836		
15 CSR 30-52.030	Secretary of State		38 MoReg 836		
15 CSR 30-52.275	Secretary of State		38 MoReg 837		
15 CSR 30-54.010	Secretary of State		38 MoReg 837		
15 CSR 30-54.070	Secretary of State		38 MoReg 837		
15 CSR 30-54.150	Secretary of State		38 MoReg 838		
15 CSR 50-3.095	Treasurer		38 MoReg 1166		
RETIREMENT SYSTEMS					
16 CSR 10-1.040	The Public School Retirement System of Missouri		38 MoReg 1232		
16 CSR 10-3.010	The Public School Retirement System of Missouri		38 MoReg 1233		
16 CSR 10-4.005	The Public School Retirement System of Missouri		38 MoReg 1234		
16 CSR 10-5.010	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.020	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.060	The Public School Retirement System of Missouri		38 MoReg 1237		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-1.025	Division of Community and Public Health		38 MoReg 635R	38 MoReg 1307R	
			38 MoReg 635	38 MoReg 1307	
19 CSR 20-1.040	Division of Community and Public Health		38 MoReg 641R	38 MoReg 1308R	
			38 MoReg 641	38 MoReg 1308	
19 CSR 20-1.042	Division of Community and Public Health		38 MoReg 641	38 MoReg 1308	
19 CSR 20-1.045	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 20-1.100	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 20-1.200	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 30-20.098	Division of Regulation and Licensure		38 MoReg 1166		
19 CSR 30-20.110	Division of Regulation and Licensure		38 MoReg 1167		
19 CSR 30-20.112	Division of Regulation and Licensure		38 MoReg 1168		
19 CSR 30-20.114	Division of Regulation and Licensure		38 MoReg 1168		
19 CSR 30-20.118	Division of Regulation and Licensure		38 MoReg 1170		
19 CSR 30-20.122	Division of Regulation and Licensure		38 MoReg 1170R		
19 CSR 30-20.124	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 30-20.142	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 30-82.070	Division of Regulation and Licensure		38 MoReg 643R	38 MoReg 1309R	
19 CSR 60-50	Missouri Health Facilities Review Committee				38 MoReg 1241
					38 MoReg 1241
					38 MoReg 1431
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432
20 CSR	Construction Claims Binding Arbitration Cap				38 MoReg 147
20 CSR	Sovereign Immunity Limits				38 MoReg 147
20 CSR	State Legal Expense Fund Cap				38 MoReg 147

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 400-11.100	Life, Annuities and Health	38 MoReg 1353	38 MoReg 1397		
20 CSR 2015-1.030	Acupuncturist Advisory Committee	38 MoReg 751	38 MoReg 757	38 MoReg 1429	
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 761	38 MoReg 1309	
20 CSR 2063-1.015	Behavior Analyst Advisory Board		38 MoReg 1106		
20 CSR 2063-2.005	Behavior Analyst Advisory Board		38 MoReg 1110		
20 CSR 2063-2.020	Behavior Analyst Advisory Board		38 MoReg 1110		
20 CSR 2095-1.020	Committee for Professional Counselors	38 MoReg 751	38 MoReg 765	38 MoReg 1430	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114		
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117		
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120		
20 CSR 2193-1.010	Interior Design Council		38 MoReg 1122		
20 CSR 2193-2.020	Interior Design Council		38 MoReg 1122		
20 CSR 2193-4.010	Interior Design Council		38 MoReg 1122		
20 CSR 2193-5.010	Interior Design Council		38 MoReg 1126		
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		38 MoReg 1303		
20 CSR 2220-2.950	State Board of Pharmacy		38 MoReg 1237		
20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		38 MoReg 1416		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		38 MoReg 1420		
20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175		
20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.030	State Committee of Psychologists		38 MoReg 1179R		
			38 MoReg 1180		
20 CSR 2235-2.060	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2235-2.065	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303		
20 CSR 2245-3.005	Real Estate Appraisers		38 MoReg 1304		
20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304		
20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305		
20 CSR 2245-8.010	Real Estate Appraisers		38 MoReg 1305		
20 CSR 2245-8.030	Real Estate Appraisers		38 MoReg 1306		

MISSOURI CONSOLIDATED HEALTH CARE PLAN

22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R
22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R

Agency		Publication	Effective	Expiration
Department of Labor and Industrial Relations				
Division of Employment Security				
8 CSR 10-3.150	Fraud Penalties on Federal and State Benefits	Next Issue	Oct. 1, 2013 . . .	March 29, 2014
8 CSR 10-4.210	Prohibition on the Non-Charging Benefits	Next Issue	Oct. 1, 2013 . . .	March 29, 2014
Department of Public Safety				
Office of the Director				
11 CSR 30-15.010	Format for Concealed Carry Permits	38 MoReg 1351 . . .	Aug. 28, 2013 . . .	Feb. 27, 2014
Peace Officer Standards and Training Program				
11 CSR 75-17.010	Minimum Training Standards for School Protection Officer Training Centers	Next Issue	Sept. 2, 2013 . . .	Feb. 28, 2014
11 CSR 75-17.020	Minimum Training Standards for School Protection Officer Training Instructors	Next Issue	Sept. 2, 2013 . . .	Feb. 28, 2014
11 CSR 75-17.030	Minimum Training Standards for School Protection Officers	Next Issue	Sept. 2, 2013 . . .	Feb. 28, 2014
11 CSR 75-17.040	Minimum Continuing Education Training Standards for School Protection Officers	Next Issue	Sept. 2, 2013 . . .	Feb. 28, 2014
Department of Revenue				
Director of Revenue				
12 CSR 10-23.500	Optional Second Plate for Commercial Motor Vehicles . . .	Next Issue	Aug. 29, 2013 . . .	Feb. 27, 2014
Department of Social Services				
MO HealthNet Division				
13 CSR 70-10.160	Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities . .	Next Issue	Sept. 7, 2013 . . .	March 5, 2014
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	38 MoReg 1215 . . .	July 1, 2013 . . .	Dec. 28, 2013
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	38 MoReg 1216 . . .	July 1, 2013 . . .	Dec. 28, 2013
Elected Officials				
Secretary of State				
15 CSR 30-90.010	Definitions	Next Issue	Aug. 28, 2013 . . .	Feb. 27, 2014
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing	Next Issue	Aug. 28, 2013 . . .	Feb. 27, 2014
15 CSR 30-90.170	Status of Parties upon Filing an Information Statement . . .	Next Issue	Aug. 28, 2013 . . .	Feb. 27, 2014
Department of Health and Senior Services				
State Public Health Laboratory				
19 CSR 25-30.031	Type II Permits	Oct. 15, 2013 Issue .	Sept. 15, 2013 . . .	March 13, 2014
19 CSR 25-30.050	Approved Breath Analyzers	Oct. 15, 2013 Issue .	Sept. 15, 2013 . . .	March 13, 2014
19 CSR 25-30.060	Operating Procedures for Breath Analyzers	Oct. 15, 2013 Issue .	Sept. 15, 2013 . . .	March 13, 2014
Department of Insurance, Financial Institutions and Professional Registration				
Life, Annuities and Health				
20 CSR 400-11.100	Navigator Examination and Licensing Procedures and Standards	38 MoReg 1353 . . .	Aug. 3, 2013 . . .	Jan. 29, 2014
Missouri State Board of Accountancy				
20 CSR 2010-2.160	Fees	38 MoReg 1159 . . .	June 28, 2013 . . .	Feb. 27, 2014
Acupuncturist Advisory Committee				
20 CSR 2015-1.030	Fees	38 MoReg 751 . . .	April 18, 2013 . . .	Jan. 28, 2014
Committee for Professional Counselors				
20 CSR 2095-1.020	Fees	38 MoReg 751 . . .	April 18, 2013 . . .	Jan. 28, 2014
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations	Next Issue	Oct. 1, 2013 . . .	March 29, 2014
22 CSR 10-2.120	Wellness Program	Next Issue	Oct. 1, 2013 . . .	March 29, 2014
22 CSR 10-2.130	Additional Plan Options	38 MoReg 1359 . . .	July 26, 2013 . . .	Jan. 21, 2014
22 CSR 10-3.130	Additional Plan Options	38 MoReg 1359 . . .	July 26, 2013 . . .	Jan. 21, 2014

**Executive
Orders****Subject Matter****Filed Date****Publication****2013**

13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	This Issue
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	This Issue
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467

13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

2012

12-12	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2016.	Dec. 31, 2012	38 MoReg 246
12-11	Advises that state offices located in Cole County will be closed on Monday, January 14, 2013, for the inauguration.	Dec. 20, 2012	38 MoReg 245
12-10	Advises that state offices will be closed on Friday November 23, 2012.	Nov. 2, 2012	37 MoReg 1639
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	37 MoReg 1519
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation.	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012.	March 13, 2012	37 MoReg 569

Executive Orders	Subject Matter	Filed Date	Publication
12-04	Activates the state militia in response to severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 23, 2012	37 MoReg 311

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, MISSOURI STATE BOARD OF
fees; 20 CSR 2010-2.160; 7/15/13

ACUPUNCTURIST ADVISORY COMMITTEE
fees; 20 CSR 2015-1.030; 5/15/13, 9/3/13

AGRICULTURE

animal health
movement of livestock, poultry, and exotic animals within Missouri; 2 CSR 30-2.020; 9/3/13
state milk board
inspection fees; 2 CSR 80-5.010; 9/3/13
inspection frequency and procedure; 2 CSR 80-2.050; 9/3/13
weights and measures
quality standards for motor fuels; 2 CSR 90-30.040; 7/1/13

AIR QUALITY, AIR POLLUTION CONTROL

auto exhaust emission control; 10 CSR 10-3.010; 7/1/13
commercial and industrial solid waste incinerators; 10 CSR 10-6.161; 8/15/13
construction permits required; 10 CSR 10-6.060; 4/15/13, 9/3/13
controlling emissions during episodes of high air pollution potential; 10 CSR 10-6.130; 6/17/13
control of NO_x emissions from large stationary internal combustion engines; 10 CSR 10-6.390; 4/15/13, 9/3/13
control of NO_x emissions from upwind sources; 10 CSR 10-6.345; 4/15/13, 9/3/13
control of sulfur emissions from stationary boilers; 10 CSR 10-5.570; 4/15/13, 9/3/13
definitions and common reference tables; 10 CSR 10-6.020; 8/15/13
emission standards for hazardous air pollutants; 10 CSR 10-6.080; 6/17/13
hospital, medical, infection waste incinerators; 10 CSR 10-6.200; 9/3/13
maximum achievable control technology regulations; 10 CSR 10-6.075; 6/17/13
new source performance regulations; 10 CSR 10-6.070; 6/17/13
reference methods; 10 CSR 10-6.040; 5/1/13
reporting emission data, emission fees, and process information; 10 CSR 10-6.110; 4/15/13, 9/3/13
restriction of emission of particulate matter from industrial processes; 10 CSR 10-6.400; 4/15/13, 9/3/13

**ARCHITECTS, PROFESSIONAL ENGINEERS,
PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE
ARCHITECTS, MISSOURI BOARD FOR**
application, renewal, reinstatement, relicensure, and miscellaneous fees; 20 CSR 2030-6.015; 5/15/13, 8/15/13
guidelines for acceptable standard of care; 20 CSR 2030-2.060; 9/16/13
standard of care when evaluating criteria for building design; 20 CSR 2030-2.040; 9/16/13
title block; 20 CSR 2030-2.050; 9/16/13

BEHAVIOR ANALYST ADVISORY BOARD
application for licensure; 20 CSR 2063-2.005; 7/1/13
fees; 20 CSR 2063-1.015; 7/1/13
replacement of license; 20 CSR 2063-2.020; 7/1/13

**BREATH ALCOHOL IGNITION INTERLOCK DEVICE
CERTIFICATION AND OPERATIONAL REQUIREMENTS**
approval procedure; 7 CSR 60-2.020; 4/15/13
breath alcohol ignition interlock device security; 7 CSR 60-2.050; 4/15/13
definitions; 7 CSR 60-2.010; 4/15/13

responsibilities of authorized service providers; 7 CSR 60-2.040; 4/15/13
standards and specifications; 7 CSR 60-2.030; 4/15/13
suspension or revocation of approval of a device; 7 CSR 60-2.060; 4/15/13

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 8/1/13, 9/3/13

CHILDREN'S DIVISION

hand-up pilot program; 13 CSR 35-32.040; 6/3/13
residential treatment agency tax credit; 13 CSR 35-100.010; 4/1/13, 7/1/13

CLEAN WATER COMMISSION

effluent regulations; 10 CSR 20-7.015; 6/17/13
water quality standards; 10 CSR 20-7.031; 6/17/13

CONSERVATION, DEPARTMENT OF

closed hours; 3 CSR 10-12.109; 4/15/13, 7/1/13
commercial fishing; 3 CSR 10-10.725; 4/15/13, 7/1/13
commercialization; 3 CSR 10-10.705; 4/15/13, 7/1/13
deer

antlerless deer hunting permit availability; 3 CSR 10-7.437; 7/1/13

firearms hunting season; 3 CSR 10-7.433; 7/1/13

definitions; 3 CSR 10-20.805; 4/15/13, 7/1/13

fishing methods; 3 CSR 10-12.135; 4/15/13, 7/1/13

licensed hunting preserve permit; 3 CSR 10-9.560; 10/1/12, 1/15/13

migratory game birds and waterfowl; seasons, limits; 3 CSR 10-7.440; 8/1/13

resident roe fish commercial harvest permit; 3 CSR 10-10.722; 4/15/13, 7/1/13

turkeys: seasons, methods, limits; 3 CSR 10-7.455; 7/15/13, 9/16/13

use of boats and motors; 3 CSR 10-12.110; 4/15/13, 7/1/13

COSMETOLOGY AND BARBER EXAMINERS, BOARD OF
cosmetology sanitation rules; 20 CSR 2085-11.020; 4/15/13, 7/15/13

COUNSELORS, COMMITTEE FOR PROFESSIONAL
fees; 20 CSR 2095-1.020; 5/15/13, 9/3/13

DENTAL BOARD, MISSOURI

licensure by examination

dental hygienists; 20 CSR 2110-2.050; 4/15/13, 7/15/13
dentists; 20 CSR 2110-2.010; 4/15/13, 7/15/13

ELECTIONS

initiative, referendum, new party and independent candidate petitions Missouri Voter Registration System option; 15 CSR 30-15.030; 9/16/13

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

actions of the State Board of Education relating to applications for educator certificates; 5 CSR 20-400.125; 4/1/13, 8/1/13
districts effectively evaluating educators; 5 CSR 20-400.375; 6/3/13

general provisions governing programs authorized under early childhood development act; 5 CSR 20-600.110; 4/1/13, 8/1/13

ENERGY, DIVISION OF

definitions and general provisions; 10 CSR 140-5.010; 7/1/13
energy set-aside fund; 10 CSR 140; 9/3/13

EXECUTIVE ORDERS

activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013; 13-12; 9/16/13
declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding; 13-11; 9/16/13
declares a state of emergency exists in the state of Missouri and directs the Missouri State Emergency Operations Plan be activated; 13-10; 7/1/13

FAMILY SUPPORT DIVISION

family healthcare
application procedure for family MO HealthNet programs and Children's Health Insurance program (CHIP); 13 CSR 40-7.015; 9/3/13
calculation of modified adjusted gross income (MAGI); 13 CSR 40-7.030; 9/3/13
household composition; 13 CSR 40-7.020; 9/3/13
scope and definition; 13 CSR 40-7.010; 9/3/13
verification procedures; 13 CSR 40-7.040; 9/3/13
income maintenance
general application procedures; 13 CSR 40-2.010; 9/3/13

GAMING COMMISSION, MISSOURI

audits; 11 CSR 45-8.060; 5/1/13
cash reserve requirements; 11 CSR 45-8.150; 5/1/13
count room-characteristics; 11 CSR 45-8.100; 5/1/13
definition of license; 11 CSR 45-8.010; 5/1/13
mandatory count procedure; 11 CSR 45-8.090; 5/1/13
minimum internal control standards (MICS)
chapter F; 11 CSR 45-9.106; 6/3/13
chapter G; 11 CSR 45-9.107; 5/1/13
chapter J; 11 CSR 45-9.110; 6/3/13
chapter R; 11 CSR 45-9.118; 6/3/13
occupational licenses for class A, class B, suppliers and affiliate suppliers; 11 CSR 45-4.260; 3/1/13, 8/1/13

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

educational requirements; 20 CSR 2145-2.020; 7/1/13
fees; 20 CSR 2145-1.040; 7/1/13
post-baccalaureate experience in geology; 20 CSR 2145-2.030; 7/1/13

renewal of license; 20 CSR 2145-2.080; 7/1/13

temporary courtesy license; 20 CSR 2145-2.065; 7/1/13

GEOLOGY AND LAND SURVEY, DIVISION OF

disciplinary action and appeal procedures; 10 CSR 23-1.075; 2/15/13, 7/15/13
heat pump
certification and registration of heat pump systems; 10 CSR 23-5.020; 7/1/13
closed-loop heat pump systems that use refrigerants as the heat transfer fluid; 10 CSR 23-5.070; 7/1/13
construction standards for
closed-loop heat pump wells; 10 CSR 23-5.050; 7/1/13
open-loop heat pump systems that use groundwater; 10 CSR 23-5.060; 7/1/13
definitions; 10 CSR 23-5.010; 7/1/13
general protection of groundwater quality and resources; 10 CSR 23-5.030; 7/1/13
location of heat pump wells; 10 CSR 23-5.040; 7/1/13
plugging of heat pump wells; 10 CSR 23-5.080; 7/1/13

HEALTH AND SENIOR SERVICES

community and public health
acidified foods; 19 CSR 20-1.042; 4/15/13, 8/15/13
food labeling; 19 CSR 20-1.045; 4/15/13, 8/15/13
good manufacturing practices; 19 CSR 20-1.040; 4/15/13, 8/15/13

inspection of the manufacture and sale of food; 19 CSR 20-1.040; 4/15/13, 8/15/13
juice HACCP; 19 CSR 20-1.200; 4/15/13, 8/15/13
Missouri food code; 19 CSR 20-1.025; 4/15/13, 8/15/13
sanitation of food establishments; 19 CSR 20-1.025; 4/15/13, 8/15/13
seafood HACCP; 19 CSR 20-1.100; 4/15/13, 8/15/13
regulation and licensure
Alzheimer's demonstration projects; 19 CSR 30-82.070; 4/15/13, 8/15/13
environmental waste management and support services; 19 CSR 30-20.114; 7/15/13
home-care services in hospitals; 19 CSR 30-20.122; 7/15/13
medical services; 19 CSR 30-20.124; 7/15/13
orientation and continuing education; 19 CSR 30-20.110; 7/15/13
outpatient services in hospitals; 19 CSR 30-20.118; 7/15/13
pathology and medical laboratory services; 19 CSR 30-20.098; 7/15/13
quality assessment and performance improvement program; 19 CSR 30-20.112; 7/15/13
variance requests; 19 CSR 30-20.142; 7/15/13

HIGHER EDUCATION, DEPARTMENT OF

determination of student residency; 6 CSR 10-3.010; 5/15/13, 9/3/13
out-of-state public institutions; 6 CSR 10-10.010; 5/15/13, 9/3/13

HIGHWAYS AND TRANSPORTATION COMMISSION, MISSOURI

definitions for Missouri state transit assistance program; 7 CSR 10-7.020; 3/1/13, 7/1/13
distribution of funds appropriated to the Missouri state transit assistance program; 7 CSR 10-7.030; 3/1/13, 7/1/13
skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 9/16/13

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/13
construction claims binding arbitration cap; 20 CSR; 1/2/13
navigator examination and licensing procedures and standards; 20 CSR 400-11.100; 9/3/13
sovereign immunity limits; 20 CSR; 1/2/13
state legal expense fund; 20 CSR; 1/2/13

INTERIOR DESIGN COUNCIL

definitions; 20 CSR 2193-1.010; 7/1/13
fees; 20 CSR 2193-4.010; 7/1/13
qualifying education; 20 CSR 2193-2.020; 7/1/13
requirements; 20 CSR 2193-5.010; 7/1/13

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

employment security
appeals to an appeals tribunal; 8 CSR 10-5.010; 7/1/13

INTERPRETERS, STATE COMMITTEE OF

application for licensure; 20 CSR 2232-2.010; 9/3/13
application for temporary licensure; 20 CSR 2232-2.020; 9/3/13
fees; 20 CSR 2232-1.040; 9/3/13
name and address change, license renewal, and inactive license; 20 CSR 2232-2.030; 9/3/13

LAND RECLAMATION COMMISSION

penalty assessment; 10 CSR 40-8.040; 8/15/13
permanent program inspection and enforcement; 10 CSR 40-8.030; 8/15/13
review, public participation, and approval of permit applications and permit terms and conditions; 10 CSR 40-6.070; 8/15/13

surface mining permit applications—minimum requirements for legal, financial, compliance, and related information; 10 CSR 40-6.030; 8/15/13
underground mining permit applications—minimum requirements for legal, financial, compliance, and related information; 10 CSR 40-6.100; 8/15/13

MISSOURI CONSOLIDATED HEALTH CARE PLAN

additional plan options
22 CSR 10-2.130; 9/3/13
22 CSR 10-3.130; 9/3/13

MO HEALTHNET

federal reimbursement allowance (FRA); 13 CSR 70-15.110; 8/1/13
inpatient hospital services reimbursement plan; outpatient hospital services reimbursement methodology; 13 CSR 70-15.010; 8/1/13
nursing facility invasive ventilator program; 13 CSR 70-10.017; 5/1/13, 9/3/13
prospective outpatient hospital services reimbursement methodology; 13 CSR 70-15.160; 8/1/13
prospective reimbursement plan for nursing facility services; 13 CSR 70-10.015; 8/1/13
public/private long-term care services and supports partnership supplemental payment to nursing facilities; 13 CSR 70-10.160; 8/1/13

MOTOR CARRIER AND RAILROAD SAFETY

application for a self-insurer status; 7 CSR 265-10.035; 6/17/13
application requirements for the issuance and transfer of intrastate motor carrier authority; 7 CSR 265-10.015; 6/17/13
classification of common carriers by services performed; 7 CSR 265-10.070; 6/17/13
complaints; 7 CSR 265-10.130; 6/17/13
definitions; 7 CSR 265-10.010; 6/17/13
discontinuance of service; suspension and revocation of certificates, permits, and property carrier registrations; 7 CSR 265-10.140; 6/17/13
household goods tariffs; 7 CSR 265-10.120; 6/17/13
inspection of books, records, property, equipment, and roadside stops by division personnel; 7 CSR 265-10.060; 6/17/13
insurance; 7 CSR 265-10.030; 6/17/13
joint service and interlining by passenger or household goods carriers; 7 CSR 265-10.110; 6/17/13
licensing of vehicles; 7 CSR 265-10.020; 6/17/13
marking of vehicles; 7 CSR 265-10.025; 6/17/13
merger of duplicated or overlapping motor carrier operating authority; 7 CSR 265-10.090; 6/17/13
motor vehicle leasing; 7 CSR 265-10.040; 6/17/13
passenger service requirement; 7 CSR 265-10.045; 6/17/13
passenger tariffs; 7 CSR 265-10.055; 6/17/13
regulation of advertising by motor carriers; 7 CSR 265-10.100; 6/17/13
rules governing the transportation of household goods; 7 CSR 265-10.080; 6/17/13
tariffs, time schedules, and motor carrier documentation; 7 CSR 265-10.050; 6/17/13

MOTOR CARRIERS

application for a self-insurer status; 4 CSR 265-2.068; 6/17/13
discontinuance of service; suspension and revocation of certificates, and permits; 4 CSR 265-2.180; 6/17/13
merger of duplicated or overlapping motor carrier operating authority; 4 CSR 265-2.190; 6/17/13
passenger tariffs; 4 CSR 265-6.010; 6/17/13
uniform system of account for Class I motor carriers of passengers; 4 CSR 265-12.030; 6/17/13

uniform systems of accounts for Class B motor carriers of household goods and passengers; 4 CSR 265-12.020; 6/17/13

NURSING, STATE BOARD OF

approval process for a venous access and intravenous infusion treatment modalities course; 20 CSR 2200-6.050; 4/15/13, 7/15/13
intravenous infusion treatment administration by qualified practical nurses; supervision by a registered professional nurse; 20 CSR 2200-6.030; 4/15/13, 7/15/13
nurse licensure compact; 20 CSR 2200-4.022; 4/15/13, 7/15/13
requirements for intravenous therapy administration certification; 20 CSR 2200-6.060; 4/15/13, 7/15/13
venous access and intravenous infusion treatment modalities course requirements; 20 CSR 2200-6.040; 4/15/13, 7/15/13

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

application for limited permit; 20 CSR 2205-3.030; 8/15/13

PETROLEUM AND HAZARDOUS SUBSTANCE STORAGE TANKS

assessing the site at closure or change in service; 10 CSR 26-2.062; 7/15/13
corrective action plan; 10 CSR 26-2.082; 7/15/13
investigations for soil and groundwater cleanup; 10 CSR 26-2.078; 7/15/13

POLICE COMMISSIONERS, BOARD OF

Kansas City board of police commissioners
application for a license; 17 CSR 10-2.020; 4/15/13, 7/15/13
application forms and licensing fees; 17 CSR 10-2.040; 4/15/13, 7/15/13
classification of licenses; 17 CSR 10-2.030; 4/15/13, 7/15/13
firearms regulations and qualification; 17 CSR 10-2.055; 4/15/13, 7/15/13
regulation and licensing in general; 17 CSR 10-2.010; 4/15/13, 7/15/13
regulation, suspension, and revocation; 17 CSR 10-2.060; 4/15/13, 7/15/13
testing requirements and qualification standards; 17 CSR 10-2.050; 4/15/13, 7/15/13
weapons regulations and firearms qualification; 17 CSR 10-2.055; 4/15/13, 7/15/13

PHARMACY, STATE BOARD OF

approved Missouri schools/colleges of pharmacy; 20 CSR 2220-7.027; 2/15/13, 7/1/13
automated filling systems; 20 CSR 2220-2.950; 8/1/13
continuing pharmacy education; 20 CSR 2220-2.100; 2/15/13, 7/1/13
educational and licensing requirements 20 CSR 2220-2.030; 2/15/13, 7/1/13
electronic prescription records; 20 CSR 2220-2.080; 2/15/13, 7/1/13
electronic record-keeping systems; 20 CSR 2220-2.083; 2/15/13, 7/1/13
fingerprint requirements
20 CSR 2220-2.450; 2/15/13, 7/1/13
20 CSR 2220-7.090; 2/15/13, 7/1/13
foreign graduates; 20 CSR 2220-7.040; 2/15/13, 7/1/13
general licensing rules; 20 CSR 2220-7.010; 2/15/13, 7/1/13
intern pharmacist licensure; 20 CSR 2220-7.025; 2/15/13, 7/1/13
license transfer/reciprocity; 20 CSR 2220-7.050; 2/15/13, 7/1/13
licensure by examinations for graduates of nonapproved foreign pharmacy schools; 20 CSR 2200-2.032; 2/15/13, 7/1/13

licensure by reciprocity for graduates of nonapproved foreign pharmacy schools who have been licensed in another state; 20 CSR 2220-2.034; 2/15/13, 7/1/13
non-electronic (manual) prescription records; 20 CSR 2220-2.017; 2/15/13, 7/1/13
pharmacist license renewal and continuing pharmacy education; 20 CSR 2220-7.080; 2/15/13, 7/1/13
pharmacist licensure by examination; 20 CSR 2220-7.030; 2/15/13, 7/1/13
prescription requirements; 20 CSR 2220-2.018; 2/15/13, 7/1/13
score transfer; 20 CSR 2220-7.060; 2/15/13, 7/1/13
temporary license; 20 CSR 2220-2.036; 2/15/13, 7/1/13
temporary pharmacist license (post graduate training); 20 CSR 2220-7.070; 2/15/13, 7/1/13

PROPANE GAS COMMISSION, MISSOURI

budget plan; 2 CSR 90; 8/1/13

PSYCHOLOGISTS, STATE COMMITTEE OF

application for

licensure; 20 CSR 2235-1.030; 7/15/13
provisional licensure; 20 CSR 2235-1.025; 7/15/13
temporary licensure; 20 CSR 2235-1.026; 7/15/13
fees; 20 CSR 2235-1.020; 7/15/13
licensure by
endorsement of written EPPP examination score; 20 CSR 2235-2.065; 7/15/13
examination; 20 CSR 2235-2.060; 7/15/13

PUBLIC SAFETY, DEPARTMENT OF

director, office of

approval of accrediting organizations for crime laboratories; 11 CSR 30-14.010; 2/1/13, 9/16/13
format for concealed carry permits; 11 CSR 30-15.010; 9/3/13

PUBLIC SERVICE COMMISSION

filings and reporting requirements

requirements for carrier designation as eligible telecommunications carriers; 4 CSR 240-3.570; 9/16/13

manufactured home installers

definitions; 4 CSR 240-125.010; 9/16/13
installation decals; 4 CSR 240-125.070; 9/16/13
manufactured home installer license; 4 CSR 240-125.040; 9/16/13

modular units

modular unit dealer/selling agent setup responsibilities; 4 CSR 240-123.065; 9/16/13
monthly report requirement for registered modular unit dealers; 4 CSR 240-123.070; 9/16/13
re-inspection fee; 4 CSR 240-123.095; 9/16/13

new manufactured homes

manufactured home dealer setup responsibilities; 4 CSR 240-120.065; 9/16/13
monthly report requirement for registered manufactured home dealers; 4 CSR 240-120.130; 9/16/13
re-inspection fee; 4 CSR 240-120.085; 9/16/13

safety standards

safety standards for electrical corporations, telecommunications companies and rural electric cooperatives; 4 CSR 240-18.010; 9/3/13

service and billing practices for residential customers of electric, gas, sewer, and water utilities

billing adjustments; 4 CSR 240-13.025; 9/3/13
billing and payment standards; 4 CSR 240-13.020; 9/3/13
cold weather maintenance of service: provision of residential heat-related utility service during cold weather; 4 CSR 240-13.055; 9/3/13
commission complaint procedures; 4 CSR 240-13.070; 9/3/13

definitions; 4 CSR 240-13.015; 9/3/13
denial of service; 4 CSR 240-13.035; 9/3/13
deposits and guarantees of payment; 4 CSR 240-13.030; 9/3/13
discontinuance of service; 4 CSR 240-13.050; 9/3/13
disputes; 4 CSR 240-13.045; 9/3/13
general provisions; 4 CSR 240-13.010; 9/3/13
inquiries; 4 CSR 240-13.040; 9/3/13
settlement agreement and payment agreement; 4 CSR 240-13.060; 9/3/13
universal service
applications for MoUSF funds; 4 CSR 240-31.080; 9/16/13
collection of MoUSF surcharge from end-user subscribers; 4 CSR 240-31.065; 9/16/13
definitions; 4 CSR 240-31.010; 9/16/13
disbursements of MoUSF funds; 4 CSR 240-31.090; 9/16/13
eligibility for funding
low-income customers and disabled customers; 4 CSR 240-31.050; 9/16/13
high cost areas; 4 CSR 240-31.040; 9/16/13
eligible telecommunications carrier requirements; 4 CSR 240-31.130; 9/16/13
lifeline program and disabled program; 4 CSR 240-31.120; 9/16/13
MoUSF assessment; 4 CSR 240-31.060; 9/16/13
MoUSFA; 4 CSR 240-31.030; 9/16/13
organization, powers, and meetings of the board; 4 CSR 240-31.020; 9/16/13
receipt of MoUSF funds; 4 CSR 240-31.070; 9/16/13
review of board and MoUSFA activities; 4 CSR 240-31.110; 9/16/13
review procedures for support payments; 4 CSR 240-31.100; 9/16/13
water utilities
environmental cost adjustment mechanism; 4 CSR 240-50.050; 9/16/13

REAL ESTATE APPRAISERS

application for certification and licensure; 20 CSR 2245-3.010; 8/15/13
case study courses; 20 CSR 2245-6.040; 8/15/13
general organization; 20 CSR 2245-1.010; 8/15/13
instructor approval; 20 CSR 2245-8.030; 8/15/13
requirements; 20 CSR 2245-8.010; 8/15/13
trainee real estate appraiser registration; 20 CSR 2245-3.005; 8/15/13

RETIREMENT SYSTEMS

public school retirement system of Missouri, the
election to fill vacancy on board of trustees; 16 CSR 10-1.040; 8/1/13
payment of funds to the retirement system; 16 CSR 10-3.010; 8/1/13
requirements for membership; 16 CSR 10-4.005; 8/1/13
service retirement
16 CSR 10-5.010; 8/1/13
16 CSR 10-6.060; 8/1/13
source of funds; 16 CSR 10-6.020; 8/1/13

SECURITIES

application for registration; 15 CSR 30-52.015; 6/3/13
definitions; 15 CSR 30-50.010; 6/3/13
forms; 15 CSR 30-50.040; 6/3/13
general; 15 CSR 30-54.010; 6/3/13
NASAA statement of policy; 15 CSR 30-52.030; 6/3/13
not-for-profit securities; 15 CSR 30-54.070; 6/3/13
small company offering registration (formerly Missouri issuer registration); 15 CSR 30-52.275; 6/3/13
suggested form of investment letter; 15 CSR 30-54.150; 6/3/13

TREASURER

charitable donation of allowed claims; 15 CSR 50-3.095; 7/15/13

VETERANS AFFAIRS

description of organization; 11 CSR 85-1.010; 7/15/13

Missouri Veterans Homes program; 11 CSR 85-1.030; 7/15/13

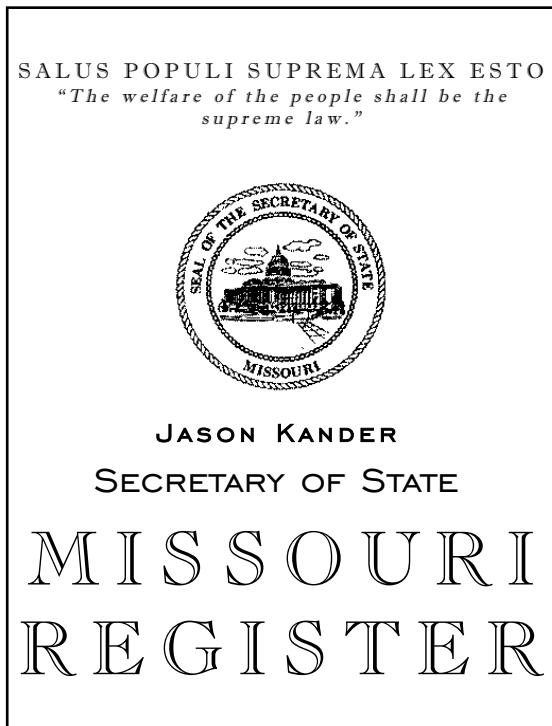
procedures for receiving information; 11 CSR 85-1.015; 7/15/13

veterans services program; 11 CSR 85-1.020; 7/15/13

Veterans Cemeteries Program; 11 CSR 85-1.050; 7/15/13

Veterans Trust Fund; 11 CSR 85-1.040; 7/15/13

To Subscribe to the *Missouri Register*



Contact us at: phone: (573) 751-4015 or email: rules@sos.mo.gov

ORDER FORM

Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*

Please start my subscription with the issue.

Please make checks payable to: **Secretary of State** or alternatively call us to charge your credit card.

Mail to: JASON KANDER
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO Box 1767
JEFFERSON CITY, MO 65102

Name or Firm (Please Type or Print)

Attn:

Address

City

State

Zip Code

Non-Substantive Changes Form and Updated Transmittal Form Now Available Online

With SB 469 and HB 1135 having gone into effect on August 28, 2012, agencies may now file a request with the Joint Committee on Administrative Rules and the secretary of state concurrently to make non-substantive changes to rules in the *Code of State Regulations*. Non-substantive changes include changes in department or division name in response to statutory changes or executive orders, or changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

A form for Non-Substantive Changes may be found online at <http://www.sos.mo.gov/adrules/forms.asp>. Also available on the same page are other forms of the Administrative Rules Division of the Office of the Secretary of State including a new revised transmittal form.